

**TOWN BOARD MEETING  
SEPTEMBER 14, 2016  
7:00 PM**

Supervisor Jamieson opened the meeting 7:10pm followed by a salute to the flag. Members present: Supervisor Jamieson, Councilman Brischoux, Councilwoman Smith, Councilman Valentine

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

**9/11 MEMORIAL**

Supervisor Jamieson reported that the 15<sup>th</sup> anniversary 911 Memorial Service held on the 11<sup>th</sup> was a beautiful ceremony and well attended. It afforded an opportunity for the Village and Town to present Ed Stoddard with an award of dedication for all the work he has done over the years.

**AUDIT OF CLAIMS**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Brischoux to approve payment of the bills in the following accounts:

GENERAL FUND	\$ 73,897.16
GENERAL - PART TOWN	17,858.62
HIGHWAY – TOWN WIDE	45,335.00
HIGHWAY – OUTSIDE	16,498.00
FIELDCREST WATER	325.18
LAKE HILL FARMS WATER	2,718.03
SUGAR LOAF HILLS WATER	384.27
SURREY MEADOWS WATER	672.09
GARBAGE DISTRICT	47,421.40
TRUST & AGENCY	6,345.00
WALTON LAKE WATER	<u>2,307.02</u>
	\$ 213,761.77

**VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine**

**ADOPTED**

**APPROVE MINUTES**

**ON A MOTION BY** Councilman Valentine and second by Councilwoman Smith to approve the Town Board Minutes through August 10, 2016.

**VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine**

**ADOPTED**

**APPOINTMENT**

Supervisor Jamieson said that following the resignation of Councilman Murray, the Town Board sought to appoint a new member of the Town Board. There were 12 applicants interviewed for the position. It was the consensus of the members that Don Wittekind, a lifelong Chester resident and 1980 graduate from Chester High School, be appointed.

**ON A MOTION BY** Councilwoman Smith and second by Councilman Brischoux to appoint Donald Wittekind II as a Town Board Councilperson for a term ending December 31, 2016.

**VOTE AYES 4: Jamieson, Brischoux, Smith, Valentine**

**ADOPTED**

\*Following the appointment at 7:20pm, the Town Clerk administered the oath to Councilman Wittekind and he took his seat on the dais.

### **BUDGET WORKSHOPS**

Supervisor Jamieson asked the Board to consider scheduling workshops with the Police Department, Highway Department, Library, Town Clerk and Court for the purpose of reviewing the submitted budget requests.

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to schedule a budget workshop on September 21, 2016 and 22, 2016 at 6:00pm to be held at the Tow of Chester meeting room, 1786 Kings Highway, Chester, New York and direct the Town Clerk to cause to publish notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

### **POLICE BUILDING RE-BID**

**ON A MOTION BY** Councilman Brischoux and second by Councilwoman Smith to reject all general contracting bids submitted on May 4, 2016 and direct the Town Clerk to return all bid bonds posted by said contractors.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to re-bid the general contracting portion of the project and direct the Town Clerk to cause to publish notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

### **THE "ROCK"**

\*Councilman Brischoux stepped down from the dais during this discussion.

Supervisor Jamieson announced that a proposition for the purchase of and financing for the "Rock" facility will be placed on the ballot on November 8, 2016.

He announced two tour dates on September 19, 2016 at 11:00am and September 20, 2016 at 7:00pm.

Supervisor Jamieson said he wanted to schedule a meeting to accept questions about the proposed purchase and another to answer questions a make a presentation.

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to schedule a special meeting on September 28, 2016 at 6:00-7:00pm at the Chester Town Hall for the purpose of collecting questions concerning the purchase of the "Rock" facility and direct the Town Clerk to cause to publish a notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Brischoux to schedule a special meeting on October 6, 2016 at 7:00-9:00pm at the Chester Town Hall for the purpose of answering questions and making

a presentation on the subject of the purchase of the “Rock” facility and direct the Town Clerk to cause to publish a notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**INTRODUCTORY LOCAL LAW – MORATORIUM**

On a motion by Councilman Valentine and second by Councilman Brischoux to introduce,

**A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTIFAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS**

**BE IT ENACTED** by the Town Board of the Town of Chester, Orange County, New York as follows:

**SECTION 1: PURPOSE AND INTENT**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Chester and to maintain the *status quo* of certain residential development in the Town that consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. This Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town’s recently adopted Comprehensive Plan. The moratorium is for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

**SECTION 2: LEGISLATIVE FINDINGS**

The Town Board of Chester does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on certain residential permits, certificates of occupancy and approvals for development within the Town to protect the public interest while the Town Board completes its review and potential revisions to the Town’s Zoning Code to implement aspects addressed in the 2015 Comprehensive Plan, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act (“SEQRA”).

Without a temporary halt on certain residential permits, certificates of occupancy and approvals for development within the Town of Chester, there is the potential that certain primary residential uses could be located in areas within the Town which would be unsuitable or incompatible with the goals and objectives cited in the 2015 Comprehensive Plan. The potential for such unsuitable or incompatible residential uses would have materially adverse and irreversible impacts to the Town. By maintaining the *status quo* on residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units in the Town until such time as appropriate consideration and potential amendments to the Town Zoning Code and Comprehensive Plan are adopted, the Board of Trustees can provide for the planned orderly growth and development of the Town.

**SECTION 3: MORATORIUM IMPOSED; APPLICABILITY**

Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: Other than as excepted below, for six (6) months following the Effective Date of this Local Law, the Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, approve or sign any new or pending preliminary or

final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly or indirectly to residential construction consisting consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units , including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with such residential construction. No new applications may be accepted and no building or other permits or certificates of occupancy may be issued or granted for residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units, other than for previously approved site plans and subdivisions as of the Effective Date. Any applications for approvals or permits filed after the Effective Date, and not otherwise exempted from this moratorium, shall be filed at the risk of the applicants and shall not be granted or issued until this moratorium is lifted.

This Local Law shall be binding on the Supervisor, Town Board, Planning Board, Zoning Board of Appeals, all Town officials and employees, including, but not limited to, the Building Inspector, and all real property owners and other applicants desiring land use approvals involving five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Chester Zoning Code.

#### **SECTION 4: TERM**

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for cumulative periods of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

This moratorium may be withdrawn or lifted at any time by a resolution of the Town Board.

#### **SECTION 5: EFFECT ON OTHER LAWS**

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control.

#### **SECTION 6: WAIVER**

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Town Board authorizing a hardship waiver process to this moratorium if it subsequently determines that a waiver process is necessary and in the best interests of the Town.

#### **SECTION 7: SEVERABILITY**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

**SECTION 8: EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

2016-9-14

**RESOLUTION TO  
ESTABLISH LEAD AGENCY**

**ON A MOTION BY** Councilman Brischoux and second by Councilwoman Smith the following Resolution was offered:

The Town of Chester, New York Town Board hereby declares itself to be lead agency as required by SEQR (6NYCRR Part 617)

<b>Name of Action:</b> Moratorium	Town of Chester Local Law for Residential Building
<b>Location:</b>	Town-wide, Chester, NY
<b>Zone:</b>	All zones
<b>Project:</b> Moratorium	Town of Chester Local Law for Residential Building
<b>Action:</b>	Type II in accordance with 617.5(c)(30) Adoption of a moratorium on land development or construction
<b>Documents:</b>	Available at Town Hall or available upon FOIL request for viewing

The Town Board declares itself Lead Agency.

**RESOLVED** that the Town Board of the Town of Chester hereby declares itself Lead Agency for the SEQRA review of the Town of Chester Local Law for Residential Building Moratorium and further identifies this as a Type II action in accordance with 617.5(c)(30).

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ADOPTED**

**RESOLUTION  
State Environment Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environment Quality Review Act) of the Environmental Conservation Law.

The Town of Chester Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Town of Chester Local Law for Residential Building Moratorium

**SEQR Status:** Type II in accordance with 617.5(c)(30)  
Adoption of a moratorium on land development or construction

**Negative Declaration:** Yes

**Description of Action:** Town of Chester Local Law for Residential Building Moratorium

**Facts & Reasons Supporting This Determination:**

Based on its careful review of the application, the plans and revisions thereto submitted by the applicant, Short Form Environmental Assessment Form, with supporting information and public comment, the Planning Board has identified no areas of environmental concern in connection with the proposed project.

**Resolution:**

**BE IT RESOLVED THAT** based on the Town Board's review and consideration of the Project, Full Environmental Assessment Form, supplementary technical information, public comments and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7 (c), the Project as designed together with the applicant's completion of the Local Law for revisions of the Subdivision Regulations set forth herein will not result in any significant impact to the environment.

On a motion by Member Smith, seconded by Member Brischoux

The foregoing resolution was adopted.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**Short Environmental Assessment Form**

**ON A MOTION BY** Councilwoman Smith and Councilman Valentine to file the short Environmental Assessment Form for the Introductory Local Law entitled,

**A Local Law Instituting A Moratorium On Certain Permits, Certificates Of Occupancy And Approvals For Residential Development Consisting Of Five (5) Or More Residential Lots Or Multifamily Or Multi-Unit Dwellings Containing Five (5) Or More Dwelling Units.**

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**PUBLIC HEARING ON INTRODUCTORY LOCAL LAW – MORATORIUM**

**ON A MOTION BY** Councilman Valentine and second by Councilwoman Smith to schedule a public hearing for the purpose of collecting comments on the Introductory Local Law – Moratorium on October 26, 2016 at the Town Hall meeting room, 1786 Kings Highway, Chester, NY at 7:00pm or as soon as the matter may be heard and direct the Town Clerk to cause to publish notice of same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

## **CAMP MONROE**

Supervisor Jamieson announced that the Town is considering the petition received concerning the conservation easement at Washington Road in Lake Hill Farms to, in essence, make the road a dead end, and will be working with the Town's attorney, Planning Board Chairman and Highway Superintendent to discuss options. The owner will also be brought into the discussion.

## **SUGAR LOAF & WALTON LAKE WATER DISTRICT DWSRF GRANTS**

Engineer Al Fusco addressed the Board about the status of the grants now in application. He said the rejection of the Town's application is due to the fact that there were a lot of applications but little money available. He said Round 3 which will be available after the New Year will have 75% funding to cost ratio and more money available. He added that the applications for \$3,500,000 each would be used for well development, tankage and lines.

## **SENIOR CENTER BUILDING**

Supervisor Jamieson said there are still grant moneys available to build a new senior center, a smaller version than what was previously envisioned. He said that the opinion of the senior club president was to stay but, since there are other seniors who have expressed an interest, the decision will be put up to a vote of the club members.

## **DCJS GRANT VOUCHER**

Supervisor Jamieson read the memo from Chief Doellinger concerning the reimbursement request voucher for the grant covering the purchase of the patrol UTV through sealed bid in 2015.

**ON A MOTION BY** Councilman Brischoux and second by Councilwoman Smith to accept the grant reimbursement of \$9,700 from the New York State Division of Criminal Justice Services and permit the Supervisor to sign the required voucher.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

## **DCJS CERTIFICATE OF COMPLIANCE REQUIREMENT**

Chief Doellinger explained to the Board that the DCJS requires a certificate of compliance be filed by the Town as it relates to Immigration and Sanctuary requirements for grantees to continue to receive funding.

**ON A MOTION BY** Councilwoman Smith and second by Councilman Brischoux to submit to the New York State Division of Criminal Justice Services the Certificate of Compliance and allow Supervisor Jamieson to sign same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

## **EDUCATION REQUESTS**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Building Inspector Joe Mlcoch to the Hudson Valley Code Officials Training program on September 21 and 22, 2016 in Kingston, NY at a cost of \$85.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Payroll Clerk, Tanya McPhee to the Introduction to Governmental Accounting on November 1-3, 2016 in Town of Wappingers. The cost for the training is \$85 plus mileage and meals reimbursement.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Chief Doellinger to the 2016 New York State Intelligence Summit in Geneva, NY on September 27 & 28, 2016 at a cost of lodging of \$89.00.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Officer Slaughter to the Police Crime Scene and Evidence Specialist Course on October 24 through November 4, 2016 in New Windsor, at no cost.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux to approve the attendance of Sergeant Vitale to the Active Shooter Events Response Course on October 4, 2016 in Westchester County at no cost.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

### **GLENMERE ROAD DAM**

Supervisor Jamieson gave an update on the work. He said he thought they were moving along pretty well. He said the Town is not on the hook until 2017 for the invoices received to date. Al Fusco said they were failing behind schedule and the contractors wanted longer hours, requiring additional inspections from the municipal engineers. Mr. Fusco advised the County that the Town would be against this. Supervisor Jamieson explained that the DEC fined the municipalities \$3.6million to fix the "dam" which covers about 200+- feet of roadway. It will cost approximately \$70,000 per year to pay back the loan.

### **TOWN BOARD COMMENTS**

Councilman Valentine asked Al Fusco for clarification on the water grant applications. He said he may not be in favor of pursuing the grant applications. He said he may support the Walton Lake grant because of the needs there. Councilman Valentine said if the money could be earmarked for expansion in Sugar Loaf he would support it. Supervisor Jamieson added that the cost of the matching is limited to the special district residents. Mr. Fusco said that Round 3 would provide 75% of the project costs and provide 0% interest loans. He said ultimately the Town would not have to accept any funding and there would be no fees until closing in approximately one year from now.

Councilwoman Smith said she is attending the rescheduled budget meeting for Moodna next week.

Councilwoman Smith announced Touch-a-truck on September 17, 2016. There will be a silent hour from 8-9am and then continues until 1pm at the Highway Garage on Laroe Road.

Councilman Brischoux commented that the 911 ceremony was nicely done and it was good to see Ed Stoddard received recognition for all the work he has done.

## **PUBLIC COMMENTS**

\*Councilman Brischoux stepped down from the dais during this discussion.

Steven Diffley, 5 Stephens Place, asked for clarification on the “Rock”. Supervisor Jamieson said the building would receive no retro-fitting at this time and the original bond draft included \$700,000 to renovate the police department building. The new bond resolution will be for \$3,300,000.

Vincent Finizia, Chester Planning Board Chairman, said he thought the Town should set up a committee of the Supervisor, Zoning Board Chair, and himself and order 2-3 more appraisals.

Pat O’Dwyer, Whispering Hills, thanked the Town Board for scheduling the tours of the “Rock” property. She asked if the engineer would be present to answer the public’s engineering questions. Mr. Fusco said he will be in attendance. She asked if the Town Hall would be moving over to the new property. Supervisor Jamieson answered that the Town Hall offices will stay in this building at this time. The “Rock” is currently planned to be a rec center but sometime in the future it could change.

Susan Bellanich, 25 Wilson Road presented a petition, representing 130 households, to the Town Board concerning the establishment of a conservation buffer on Washington Road in the Lake Hill Farms development. She said they are worried for the future. The complete text of comments and petition are attached hereto.

Ben Ostrer, 455 Laroe Road, asked if the Board had the operation expenses of the “Rock” building. He said he was aware the idea had been considered since March. Supervisor Jamieson said the Town has received both summer and winter months’ bills. Mr. Ostrer commented that the infields are being replaced after 5 years and the green turf has a 12 year life expectancy. He asked what capital reserve will be established to prepare for these long-term expenses. He asked what language would be put on the referendum. Supervisor Jamieson said the proposition will include the bond resolution. Mr. Ostrer added that he thought there was more work to be done before subjecting to the ballot. He said the contract price is well above the appraised value and is subject to a non-compete clause. Councilman Valentine commented that he thought Mr. Ostrer had some valid questions that can be answered in the upcoming presentation on October 8, 2016.

Tracy Shuh asked about the building moratorium with regard to notification and timeframe. Supervisor Jamieson answered that there is more than 45 days before the scheduled public hearing to allow for comments. She expanded on her comments concerning the law addressing only residential properties. She said some language could be added concerning commercial building where the intrusion of positive declaration, water, traffic, etc. may exist. Supervisor Jamieson they would take a look at the law to see what could be added.

Robert Moran, Surrey Meadows, thanked the Town board for their work on this important issue. He commented that the information in the paper is not always correct. He asked if the Town would generate revenue to offset the cost of camp, classes, etc. Mr. Moran wanted to know the plan for the facility use. He said it is an important decision, a lot of money, and looks forward to getting more information directly from the Town Board.

\*Councilman Brischoux returned to the dais upon the conclusion of this discussion.

## **EXECUTIVE SESSION**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Brischoux at 8:20pm to enter into an Executive Session concerning attorney/client privilege.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilman Brischoux at 8:40pm to adjourn the Executive Session.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**CONSENT JUDGEMENT**

**ON A MOTION BY** Councilman Valentine and second by Councilwoman Smith to settle the tax certiorari and authorize the Supervisor to sign the consent judgement in the matter of JJ & K LLC/FABCO Generators, LLC.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**CLINICAL EXPERIENCE CONTRACTUAL AGREEMENT**

**ON A MOTION BY** Councilman Brischoux and second by Councilman Valentine to enter into the Clinical Experience Contractual Agreement with the Chester Union Free School District for the 2016-2017 school program and allow Chief Doellinger to sign same.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

**ON A MOTION BY** Councilman Valentine and second by Councilwoman Smith to adjourn the meeting at 8:45pm, there being no further business brought before the Town Board.

**VOTE AYES 5: Jamieson, Brischoux, Smith, Valentine, Wittekind**

Respectfully submitted,

Linda A. Zappala  
Town Clerk  
2016-09-14