

**TOWN BOARD MEETING**  
**September 26, 2018**  
7:00 PM

Supervisor Jamieson opened the meeting at 7:04pm 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. – Bonacic, McMahon, Al Fusco – Fusco Engineering

**ACCEPTANCE OF MEETING MINUTES**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Wensley to accept the Town Board Minutes through August 22, 2018 as presented by the Town Clerk.

**VOTE AYES 4: Jamieson, Smith, Valentine, Wensley** **ADOPTED**

**DECOMMISSIONING AGREEMENT – HUDSON VALLEY CLEAN ENERGY, INC.**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to approve the Decommissioning Agreement with Hudson Valley Clean Energy, Inc., d/b/a/SunCommon and allow the Supervisor to sign same.

**VOTE AYES 4: Jamieson, Smith, Valentine, Wensley** **ADOPTED**

**HOMELAND TOWERS PRESENTATION**

Mr. Vincent Xavier of Homeland Towers presented the Town Board with a site plan for construction of a cell tower on two lots of Town owned property at the end of Poplar Drive. He advised that there would be no tree removal or new access roads on the 75'x75' lease area, with fenced-in compound, which would be suitable to carry 4 licensed FCC carriers on a 180' tower, where the Town of Chester could utilize the top for emergency services, etc., at no cost. He said he is confident that the coverage area would be to the northwest including Lakes Road, Laroe Road, Bull Mill Road and Sugar Loaf Mountain Road. He said the submitted proposed lease would contain an annual rent of \$2,000 or 35% gross revenue, whichever is greater, with a 2% annual increase. Said lease to be reviewed by Town Attorney to bring into final form.

**LIBRARY PROPOSITION**

Trustee Kerry Cambria thanked the Town Board for passing the resolution and the residents who supported the petition to get the proposition on the ballot in November, under NYS Chapter 414 Law. She explained that the budget, if passed, would set up the baseline for future funding. If not passed in years forward, it would revert to the previous year's budget. She added that capital improvements would be a one-time deal paid from the capital fund or grants or would require a separate vote for passage. She stated that this is not a new tax. The library is already funded through taxes but this will enable the library to secure funding in the future. She advised that more information could be found at the library and on the library's website.

**TENTATIVE BUDGET - 2019**

The tentative budget for 2019 was distributed to all board members by the Town Clerk. Supervisor Jamieson said the current wish list is a 9% increase over last year at \$13,460,966. He said the budget meetings will follow and will culminate with the creation of the preliminary budget which would be introduced for a public hearing. He said that the process would be a little different this year because of the library proposition. He said if it is passed,

it will be taken out of the budget and placed as a separate line item on the tax bill. If it is not passed, the library stays within the Town's budget and the adopted budget would likely be the same as the preliminary.

**ON A MOTION BY** Councilman Valentine and second by Councilwoman Smith to set the following dates and times for the budget workshops and direct the Town Clerk to cause to publish same: October 3, 4, and 11 at 6:30pm at the Library, basement level, 1784 Kings Highway, Chester New York.

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

**ADOPTED**

**PARKLAND RESERVE TRANSFER**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Wensley to approve the transfer of \$59,984.11 from the Parkland Reserve to the General Fund A110.4 for the purpose of paving the parking lot at the Chester Commons.

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

**ADOPTED**

**GREENS OF CHESTER**

Supervisor Jamieson read the letter from the Department of Health letter in reference to the water testing at the Greens and Al Fusco's letter to Petroccione in reference to the pond breach. They follow in their entirety.

September 26, 2018

Re: Greens at Chester, Town of Chester  
Orange County, New York SBL 6-1-15.4 and 15-1-15.4  
Our File No. CH-018

Dear Mr. Petroccione,

On September 25, 2018, you were notified via email of a breach in the pond berm leading to the Whispering Hills side of the project due to 1.65" of rain. We appreciate your inspection and reaction to the notice.

The violation was under 78A-11 Performance and Design Criteria for Stormwater Management and Erosion and Sedimentation Control. "B. Water quality standards. Any land development activity shall not cause turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York." The breach must be temporarily and then permanently repaired and every effort to keep future occurrences from happening. Any visible erosion to be cleaned.

Penalties can be assessed under 78A-15 of the Code (enclosed) for failure to repair or future occurrences. No further work can be started on the job until the stormwater violations are repaired and resolved. Please contact to outline repair and maintenance actions planned for these violations.

Very truly yours,

Alfred A. Fusco, Jr., P.E.

Fusco Engineering & Land Surveying, P.C.

AAF/cm

Cc: Town Board  
Anthony LaSpina, Highway Superintendent

August 3, 2018

600 Route 208, Unit 302  
Monroe, New York 10950

Dear Mr. Shwartz:

Re: Greens at Chester  
DOH Log No. 15367  
DEC WSA No. 9931  
Chester (T), Orange County

In May 2002 the New York State Department of Health (DOH) issued an approval of plans for the construction of water supply facilities at the proposed Greens at Chester development located in the Town of Chester, New York. The proposed water supply facilities included five wells, treatment, storage, and approximately 23,000 linear feet of water main and appurtenances. The proposed project was never constructed and it is our understanding that Greens at Chester LLC, the current developer, is now looking to move forward with the project.

The approval issued by DOH in 2002 was based on the proposed water system meeting applicable regulations, design requirements and water quality standards at that time. Given the changes in regulations and design standards, along with the amount of growth that has taken place in Orange County, and in order to meet condition d of the enclosed 2002 approval, DOH will be requiring a resubmittal of the Application for Approval of Plans for Public Water Supply Improvement, including the following information:

- an updated Application for Approval of Plans for Public Water Supply Improvement form;
- updated engineering report, plans and specifications;
- results from a new, recently conducted 72-hour yield test, including monitoring of offsite wells to determine the quantity of water available from the aquifer for the proposed project and potential impacts on nearby water supply wells; and
- recent water quality testing results in accordance with Subpart 5-1 of the NYS Sanitary Code.

It is also advised that you contact the New York State Department of Environmental Conservation (DEC) to determine if additional information is required regarding the Water Withdrawal Permit that was issued by DEC on November 5, 2001.

In addition, please note that Greens at Chester LLC must comply with any requirements or conditions that may have resulted from the original State Environmental Quality Review (SEQR) process.

Please submit the requested information to our office and the Orange County DOH for review and approval. We will expedite the review of these materials once received.

If you have any questions or would like to discuss this project further, please contact me or Michael Montysko at (518) 402-7650.

Sincerely,

Brock Rogers, P.E. Professional Engineer 1  
Bureau of Water Supply Protection Corning Tower, Room 1142  
Empire State Plaza  
Albany, NY 12237

ecc: Lloyd Wilson, Ph.D., Director- DOH Bureau of Water Supply Protection Michael Montysko, DOH  
Christine Westerman, OOH - MARO Minzi Pan, DOH - MARO  
Kelly Turturro, Director - NYSDEC Region 3  
Christopher Ericson, Deputy Commissioner of Health - Orange County DOH  
Alex Jamieson, Supervisor- Town of Chester  
John Petroccione, PE

## **ENGINEER'S BI-WEEKLY PROJECT REPORT**

Engineer Al Fusco submitted his bi-weekly project report to the Board which appears below in its entirety.

### **CHESTERDALE:**

Reviewed weekly Stormwater Pollution Prevention Plan and inspected same. All in order.

### **RIDGEVIEW:**

Proof rolled road to get ready for asphalt base. Phase II before Planning Board for signature. No changes.

### **WOODRIDGE:**

Building homes, stormwater pollution prevention plan reviewed; weekly inspections. Hit rock in retention pond but they have almost completed the stormwater pond. No change.

### **ASHFORD:**

Inspected roadway. Binder needs repair; some cracked curbs; expect they would like to dedicate before October 1, 2018. We sent new punch list for repairs. Need SWPPP reports, as-builts. Still working on.

### **GREENS AT CHESTER:**

Reviewed weekly Stormwater Pollution Prevention Plan (SWPPP). We are also doing NYSDEC weekly SWPPP reviews and reports.

Received notice of violation for NYSDEC, August 15, 2018. We had verbally violated them at same time they had complied. Received copy of NYSDOH letter regarding re-testing of wells from Water Superintendent but spoke to OCDOH and we will be in communication. Will be setting up meeting next week with Water Superintendent to discuss further.

Last evening, we had an occurrence due to 1.65" of rain. The release is a violation of the Town stormwater code and we notified the Greens whom had a crew there today to work on the breach in a pond wall. We have issued a violation today hoping the situation is corrected.

As of 2:00PM today, the water is clearer, and the breach has been filled. We will continue to monitor.

## **EDUCATION REQUESTS**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to approve the following education request:

Who: Bob Conklin

When: November 1<sup>st</sup> and November 26, 2018

Cost: \$15 each

Course: 2-2 hour courses - Land Use & Planning

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

**ADOPTED**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Wensley to approve the following education request:

Who: Bob Favara

When: November 1<sup>st</sup> and November 26, 2018

Cost: \$15 each class  
Course: 2-2 hour courses 7-9pm Land Use & Planning Course

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

**ADOPTED**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to approve the following education request:

Who: Jackie Elfers (October 23<sup>rd</sup> & 29<sup>th</sup>)  
Larry Dysinger (October 16, 2018)  
When: October 16, 23, 29, 2018  
Cost: \$5 each  
Course: 3-2 hour courses - DC Planning Federation

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

**ADOPTED**

### **ANNOUNCEMENTS**

Supervisor Jamieson asked for prayers for Chester Golden Age Club President Lois Gordon who is battling an illness.

Supervisor Jamieson said there will be many upcoming events at the recreation center including a bus trip to the Botanical Gardens, a Narcan presentation, kite festival, senior movie matinee, chair yoga, classic yoga, osteo-exercise, with line dancing and mad science being planned, along with the facility being used for an upcoming bridal shower. More info can be found at chesterrec.com. He announced the upcoming movie night at the Walton Fire House on October 20<sup>th</sup> and Holiday Party in the Village on October 28<sup>th</sup>.

### **EXECUTIVE SESSION**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Wensley to enter into an Executive Session at 7:35pm to discuss the hiring of personnel.

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

**ADOPTED**

**ON AMOTION BY** Councilwoman Smith and second by Councilman Wensley to adjourn the Executive Session at 8:00pm.

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

**ADOPTED**

### **RECREATION DEPARTMENT PERSONNEL**

**ON AMOTION BY** Councilwoman Smith and second by Councilman Wensley to appoint Michele Deshler to the position of part-time recreation department clerk, effective immediately.

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

**ADOPTED**

### **TOWN BOARD COMMENTS**

Councilman Valentine commented the transfer tax for the CPF local law must be approved by the State Senate and Assembly and will be submitted in January 2019. He said the draft CPP will be made available for public

interest. Councilman Valentine noted that the outflow of turbid water at the Greens was met with an immediate notice of violation. Councilman Valentine said that the properties for purchase would appear as separate proposition as contracts are signed. Currently the contract for the Sugar Loaf Performing Arts Center has been signed and the Kocut property contract is pending.

Councilwoman Smith commented that the letter from the NYS DOT acknowledged that the 17M Bridge is beyond repair and requires replacement but there is no plan in Region 5 for this work. Councilwoman Smith announced that the Library is now issuing passports and effective October 1, seniors will no longer be charged late fees. Councilwoman Smith said that Mr. Phil Conroy wrote a letter concerning 191 Lehigh that stated at the time he owned the property he did not maintain an office.

Supervisor Jamieson announced that at court yesterday his plea was reduced to a misdemeanor with sentencing to take place on November 21<sup>st</sup> at which time he will be asked to resign. He said he will stay on and complete the budget as budget officer. He added that the Town Board will then select a new Supervisor and there will then be an opening for another Town Board Council member. He also stated Councilman Medican is selling his home and moving out of state and thus will create another Board vacancy. Supervisor Jamieson said to clear up any inaccurate news, he was charged with filing a false instrument and that had nothing to do with the Town and he stated he did not take any money from the Town.

Supervisor Jamieson commented that Carpenter has had the bleachers painted and a new pavilion is being built in addition to lights being installed on the big field. He added that Chester is expected to be named the home site of the NYS Little League Tournament next July. He added that a trail will be installed behind the senior center from the parking lot around the pavilion to the fields. There will also be a basketball court, shuffleboard court and outdoor exercise equipment area. Supervisor Jamieson said that Oak Park will see new boards and mulch and that Chris is doing a great job at the fields. He added that Clay Boone is working on signs for the parks.

## **PUBLIC COMMENTS**

Stephen Keahon, 8 June Road said he heard that the Greens is offering to build the pavilion at Carpenter Field. Supervisor Jamieson said that Al Fusco has completed the specs, which went out to bid with results of over \$58,000 and the Greens builder is going to construct as a donation to the Town. The flooring will be completed by the Highway Department. He said there will be no cost to the taxpayers for this improvement.

Cindy Becker, 11 Sanford Ave., Chester offered the following comments to the Town Board:

I am here about a complaint I made to the building department on September 18 in regard to sheds at 191 Lehigh Ave. that do not have building permits. I don't believe they meet set back requirements. The one shed is only 2 ½ feet from our property line and that is also being used as part of the screening in place of evergreens. I have had no response to my concern. I have questioned this many times and have received no answer. The sheds are on the site plan and during public I comment at the planning board meeting I had the same questions for them I was told that they are not enforcement. Within the last week Tom mentioned the sheds to Joe Mlcoch when he was there. He was told that it is before the planning board and that the planning board and the engineer would have to address this. So who does address this, the building department or the planning board? I am confused as I have been with many things regarding this property for more than a year.

Tom Becker, 11 Sanford Ave., Chester offered the following comments to the Town Board:

Over the past week I have spoke with Joe Mlcoch on several occasions to clarify why 191 Lehigh is operating without site plan approval. The building dept. is using a procedure they have followed in the past that once an application has been made to the planning board it is considered a stay allowing the applicant to operate during the process. I am a little baffled by this procedure. A stay is the act of temporarily stopping a judicial proceeding

through the order of a court. I don't know if a stay can be used by the town in this way when most projects that go before the planning board don't start operating or transforming their property into a business before they finish site plan review and receive a building permit to proceed. Over the past year we have been told countless reasons why 191 is permitted to operate. Letters trying to grandfather the property to old zoning, a letter claiming it was previously a commercial office, I have been told it is a home occupation the definition of home occupation is in the town code that states a resident may use their home for certain things and have one nonresident employee. Examples given are art studio, engineer, physician, lawyer and others this certainly doesn't fit what 191 is doing and at the last meeting Supervisor Jamison had a folder full of documents. One was a hand draw document from the assessor's office that mistakenly labeled a garage turned into a game room an office. There are no official documents at the town that confirm 191 was anything but a single family residence. I have a Notarized document from the owner of the property at the time that states no office existed in the garage or the residence. Are all these things being put out to confuse the public like a smoke screen, so we keep spinning in circles trying to figure it out? The Town Board may want to look at this procedure to confirm that it is legal.

Ben Ostrer, 450 Laroe Road, Chester, commented that the resolution adopted to purchase real estate requires that a bond resolution be proposed, subject to permissive referendum, or Board initiated referendum. He stated that conducting Phase I or Phase II is without due diligence. He said there is no clear plan to site properties and the certain location proposed may not be conducive to the construction of a pool, since it is in a commercial area, unlike the Camp Monroe property which is in a residential location with a pre-existing pool. He said the Town Board should lobby Albany for passage of the PDR transfer tax.

### **ADJOURNMENT**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Valentine to adjourn the meeting at 8:30pm, there being no further business brought before the Board. Motion carried 4-0.

Respectfully submitted,

Linda A. Zappala  
Town Clerk  
2018-09-28