

**TOWN BOARD MEETING  
SEPTEMBER 25, 2019  
7:00 PM**

Supervisor Valentine opened the meeting at 7:00pm followed by a salute to the flag. Members present: Supervisor Valentine, Councilman Finizia, Councilman Perez, Councilman Wensley, Absent: Councilwoman Smith

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

**TOWN BOARD MEETING MINUTES**

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Finizia to accept the meeting minutes of August 28, 2019 as presented by Town Clerk Zappala

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**2020 TENTATIVE BUDGET**

Town Clerk Zappala presented the Tentative Budget to the members of the Town Board. Supervisor Valentine commented that the 2020 Tentative Budget contains the wish list of the departments and budget meetings need to be scheduled to discuss these requests with the department heads.

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Wensley to schedule budget workshop session on October 3<sup>rd</sup> and October 10<sup>th</sup> at 7:00pm at the Town Hall Meeting Room.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**EXCESS LAND DISCUSSION UPDATE**

Supervisor Valentine provided a copy of the preliminary sketch plat to the Town Board for their consideration of the sale of excess land.

**INTRODUCTORY LOCAL LAW NO. 2 OF 2019 – NOISE ORDINANCE**

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Wensley to Introduce Local Law No 2 of 2019 – Noise Ordinance

**A LOCAL LAW ADDING CHAPTER 66 ENTITLED  
“NOISE POLLUTION CONTROL” TO THE TOWN CODE  
OF THE TOWN OF CHESTER**

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

**Section 1. Title**

This Local Law shall be referred to as "A Local Law Adding Chapter 66, Entitled "Noise Pollution Control", to the Town Code of the Town of Chester.

**Section 2. Legislative Intent**

The Town Board of the Town of Chester has determined that it is in the best interest of the Town to establish and impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the limits of the Town of Chester. It is the intention of the Town Board of the Town of Chester that these restrictions shall further secure and promote the public health, comfort, convenience, safety, welfare, prosperity and peace and quiet of the Town of Chester and its residents.

### **Section 3. Noise Pollution Control**

Chapter 66, entitled "Noise Pollution Control" is hereby added to the Town Code of the Town of Chester, to read as follows:

#### **§66-1. Title.**

This Chapter shall be cited and may be referred to hereinafter as the, "Noise Pollution Control Law of the Town of Chester."

#### **§66-2. Legislative Intent.**

It is the intention of the Town Board of the Town of Chester by the adoption of this Chapter to establish and impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the Town of Chester. These restrictions shall further secure and promote the public health, comfort, safety, welfare, and peace and quiet of the Town of Chester and its residents.

#### **§66-3. Authority.**

In accordance with Section 10 of the New York State Municipal Home Rule Law, the Town Board of the Town of Chester has the authority to enact and amend such local laws as necessary for the promotion of health, safety and general welfare of the Town of Chester and its residents.

#### **§66-4. Definitions.**

All of the terminology and definitions contained in this Chapter which relate to the nature of sound and the mechanical detection and recordation of sound are in conformance with the terminology of the American National Standards Institute or its successor body.

As used in this Chapter, the following terms shall have the meanings indicated:

#### **A-WEIGHTED SOUND LEVEL**

The sound pressure level in decibels as measured on a sound meter using the A-weighting network slow response. The level so read is designated as dB(A).

#### **COMMERCIAL DISTRICT**

An area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments; a tourist-oriented area where hotels, motels and gasoline stations are located; a business strip along a main street containing offices, retail businesses and commercial enterprises; and other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. "Commercial District" shall include, but not be limited to, any parcel of land zoned commercial under Chapter 98 of the Town Code of the Town of Chester.

#### **COMMERCIAL PURPOSE**

Commercial Purpose shall include the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising for any business, any goods or any services or for the purpose of attracting attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

#### **CONSTRUCTION ACTIVITIES**

Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

#### **CONTINUOUS NOISE**

A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of 10 minutes or longer, with an accumulation of an hour or more over a period of 8 hours.

**DECIBEL (DB)**

A unit of measurement for sound pressure level. The number of Decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals). Decibels shall be abbreviated to “dB”.

**DEVICE**

Any mechanism which is intended to produce or which actually produces sound when operated or handled.

**EMERGENCY**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

**EMERGENCY WORK**

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**FLUCTUATING NOISE**

The sound pressure level of a fluctuating noise which varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound-level meter.

**IMPULSIVE SOUND**

A sound of short duration, usually less than 1 second, with an abrupt onset and rapid decline. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

**INDUSTRIAL DISTRICT**

An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. “Industrial District” shall include, but be limited to, any parcel of land zoned as an industrial district under Chapter 98 of the Town Code of the Town of Chester.

**MOTOR VEHICLE**

Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

**NOISE**

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**NOISE DISTURBANCE**

Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

**NON-COMMERCIAL PURPOSE**

The use, operation or maintenance of any sound equipment for other than a commercial purpose. “Non-Commercial Purpose” shall mean and include, but not be limited to, philanthropic, political, patriotic and charitable purposes.

**PERSON**

Any individual, association, partnership or corporation, including any officer, employee, department, agency or

instrumentality of the state or any political subdivision of a state.

### **REAL PROPERTY BOUNDARY**

A line along the ground surface, and its vertical extension, which separates the real property owned by one person from that real property owned by another person, but not including intrabuilding real property divisions.

### **RESIDENTIAL DISTRICT**

An area of single-family or multi-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential District" shall include, but not be limited to, hospitals, nursing homes, residences for the aged, schools, courts and similar institutional facilities.

### **SOUND**

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of "Sound" may include any characteristics of such sound, including duration, intensity and frequency.

### **SOUND-LEVEL METER**

An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measure of sound levels.

### **SOUND REPRODUCTION DEVICE**

Any device that is designed to be used or is actually used for the production or reproduction of sound including, but not limited to, any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

### **SOUND SOURCE**

Any person, animal, device, operation, process, activity or phenomenon which emits or causes sound.

### **UNREASONABLE NOISE**

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether an "Unreasonable Noise" exists in a given situation include, but are not limited to, the following:

- i) The volume of the noise.
- ii) The intensity of the noise.
- iii) Whether the nature of the noise is usual or unusual.
- iv) Whether the origin of the noise is usual or unusual.
- v) The volume and intensity of the background noise, if any.
- vi) The proximity of the noise to residential sleeping facilities.
- vii) The nature and the zoning district of the areas within which the noise emanates.
- viii) The time of the day or night in which the noise occurs.
- ix) The time duration of the noise.
- x) Whether the sound source is temporary.
- xi) Whether the noise is continuous or impulsive.

### **§66-5. Prohibited Acts.**

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise as defined in this Chapter. In particular, without limitation to the foregoing provision of this section, the following enumerated acts are declared to be in violation of this Chapter:

- A. **Animals.** No person shall keep, maintain or permit any animal under his or her control which frequently, or for continued durations of ten minutes or longer, makes sounds which create an unreasonable noise across a residential real property boundary. This provision shall not apply to veterinarian facilities.
- B. **Commercial, Business and Industrial Operation.** No person shall operate or permit to be operated on a sound source site a commercial business or industrial operation that produces an unreasonable sound level.
- C. **Construction.** No person shall operate or permit to be operated any tools, machinery or equipment used in construction, drilling or demolition work between the hours of 8:00 P.M. and 8:00 A.M. on weekdays, between the hours of 8:00 P.M. and 9:00 A.M. on weekends, or any time on legal holidays such that the sound therefrom creates an unreasonable noise across from a residential real property boundary, or at any other time such that the sound level at or across a real property boundary exceeds 80 dB. The provisions of this section shall not apply to emergency work.
- D. **Domestic Power Tools.** No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, law or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 8:00 P.M. and 8:00 A.M. on weekdays, between the hours of 8:00 P.M. and 9:00 A.M. on weekends, or any time on legal holidays such that the sound therefrom creates an unreasonable noise across from a residential real property boundary.
- E. **Explosives, Firearms or Similar Devices.** No person shall use or fire explosives, firearms or similar devices which create impulsive sounds so as to cause an unreasonable noise across a real property boundary.
- F. **Horns and Signaling Devices.** No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a danger warning.
- G. **Motor Vehicle Repairs and Testing.** No person shall repair, rebuild, modify or test any motor vehicle in such a manner as to cause an unreasonable noise across a residential real property boundary or within a noise sensitive zone.
- H. **Mufflers.** No person shall discharge into the open air the exhaust of any steam engine, stationary internal-combustion engine, air compressor equipment, motor vehicle or other power device which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise or noise disturbance, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device which causes said engines, vehicles or other power devices to create an unreasonable noise.
- I. **Noise Sensitive Zones.** No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any hospital, nursing home, school, court, house of worship or public library while such facility is in use at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.
- J. **Sound Reproduction Devices.**
  - i. No person shall operate or cause to be operated a sound reproduction device that produces an unreasonable noise or noise disturbance across a real property boundary between the hours of 11:00 P.M. and 8:00 A.M. or within a noise sensitive zone.
  - ii. No person shall operate or use or cause to be operated or used any sound reproduction device in any public place in such a manner that the sound emanating therefrom creates an unreasonable noise across a real property boundary.
  - iii. This section shall not apply to any person participating in a school band or in a parade or sounds emanating from sporting, entertainment or other public events where such devices are used.

**§66-6. Exceptions.**

The provisions of this Chapter shall not apply to the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

- B. The emission of sound in the performance of emergency work.
- C. Sounds created by bells or chimes of houses of worship and religious institutions.
- D. Sounds created by any governmental entity, their agents, employees or contractors in the course of its duties (fire districts, towns, villages, counties, schools, police agencies, etc.).
- E. Noises from alarm systems of any building or motor vehicle.
- F. Noise generated by Town-sponsored concerts and special events.

**§66-7. Variances.**

- A. The Town Board of the Town of Chester shall have the authority, consistent with this section, to grant variances to this Chapter.
- B. A person seeking a variance of this Chapter shall file an application with the Town Board which consists of a letter signed by the applicant and containing a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other person.
- C. The following information must also be provided:
  - i. The plan, specifications or other information pertinent to such sources.
  - ii. The characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds and the hours during which such sounds are generated.
  - iii. The noise abatement and control methods used to restrict the emission of sound.
- D. The Town Board, upon receipt of such application and payment of any fee which shall be required by resolution of the Town Board, shall set the matter down for a public hearing to be held within 30 days from the date that such application is submitted. The Town Board shall cause publication of such public hearing to be given in the official newspaper of the Town. The applicant shall give notice of the application by certified mail to all property owners surrounding the sound source site within a radius of 200 feet from the borders of said site.
- E. In determining whether to grant or deny the application, the Town Board shall balance the hardship to the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and the other adverse impacts of granting the special variance.
- F. The Tow Board shall cause the taking of sound level readings by an agency to be designated by the Town Board in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.
- G. The Town Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity, in the event that it shall grant any variance hereunder.

**§66-8. Enforcement and Administration.**

The noise control requirements shall be enforced and administered by Town enforcement officers, properly identified Town Police Department personnel and other duly authorized personnel as the Town of Chester may from time to time require.

**§66-9. Penalties for Offenses.**

- A. Violations of this Chapter may be established by verbal or written complaint by at least one person, including the Town enforcement officer.
- B. Compliance Orders. The Town enforcement officer is authorized to order in writing the remedying of any condition or activity found to exist with respect to this Chapter. Upon finding that any such condition or activity exists, the enforcement officer shall issue a compliance order. If the condition or activity is not remedied after the issuance of the compliance order, then an appearance ticket may be issued as provided hereinafter.
- C. Appearance Tickets. The enforcement officer and each inspector are authorized to issue appearance tickets for any violation of this Chapter.
- D. Penalties. Any person who violates any provision of this Chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties of a fine not less than \$50.00, but no more than \$250.00. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

**Section 4. 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 5. Effective date.**

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

**INTRODUCTORY LOCAL LAW NO. 3 - LLC DISCLOSURE**

**ON A MOTION OFFERED BY** Councilman Perez and seconded by Councilman Finizia to Introduce Local Law No 3 of 2019,

**A LOCAL LAW ADDING CHAPTER 46 ENTITLED “ENTITY DISCLOSURE” TO THE TOWN CODE OF THE TOWN OF CHESTER**

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

**Section 1. Title**

This Local Law shall be referred to as "A Local Law Adding Chapter 46, Entitled "Entity Disclosure", to the Town Code of the Town of Chester.

**Section 2. Legislative Intent**

The Town Board of the Town of Chester has determined that it is in the best interest of the Town of the Chester and the public to provide for full and fair disclosure of all entities making land use applications within the limits of the Town of Chester. It is the intention of the Town Board of the Town of Chester, with respect to entity disclosure, to ensure that any and all potential conflicts of interest or ethical concerns are properly disclosed and addressed, which shall further secure and promote the public health, comfort, convenience, safety, welfare, prosperity and peace and quiet of the Town of Chester and its residents.

**Section 3. Entity Disclosure**

Chapter 46, entitled “Entity Disclosure” is hereby added to the Town Code of the Town of Chester, to read as follows:

**§46-1. Title.**

This Chapter shall be cited and may be referred to hereinafter as the, "Entity Disclosure Law of the Town of Chester."

**§46-2. Legislative Intent.**

- K. The Town Board finds that, in connection with the development or potential development of portions of the Town of Chester, land use applications may have a significant impact upon the health, safety and general welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.
- L. The Town Board further finds that under such circumstances, the Town Board is required to ensure that anyone with any interest or controlling position of any Entity applying for any land use approval or permission from the Town must have no conflict of interest, as that term is defined in the New York Town Law and New York General Municipal Law, and that the disclosure of any Non-Disclosed Person is required to be made in any land use application or request for any approval from the Town to be certain no conflict of interest exists and without the disclosure of that Non-Disclosed Person a meaningful review of any conflict cannot take place.

**§46-3. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**AUTHORIZED PERSON**

A person, whether or not a Non-Disclosed Person, who is authorized to act or otherwise acts solely or in conjunction with others on behalf of an Entity to direct, influence or otherwise control the Entity in any manner.

**ENTITY**

A limited liability company, whether domestic or foreign.

**NON-DISCLOSED PERSON**

Any member, shareholder, director, officer, beneficial owner or Authorized Person of the Entity.

**§46-4. Disclosure Requirement.**

- A. Every Non-Disclosed Person for any Entity applying for land use approvals or permission to undertake any construction activity within the Town of Chester shall complete an Entity Disclosure Statement in the form approved of from time to time by resolution of the Town Board of the Town of Chester, and shall provide all information required in said form. The Entity Disclosure Statement shall be affirmed or sworn under the penalty of perjury and shall be filed along with any such land use application or request or permission to undertake any construction activity within the Town.
- B. In the event that a land use project that has previously received approval is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the Management or operation or both of the Entity and another Entity, the transferring Entity shall notify the Town in writing, and any such succeeding Entity must fully comply with this Chapter before any work or other activity on the project shall be permitted to proceed, continue or be completed.
- C. Said Entity Disclosure Statement shall apply to any land use approvals or permission sought from the Building Department, Town Board, Planning Board and Zoning Board of Appeals. The Building Department, Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, re-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 related directly or indirectly to any construction activity, 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 any construction unless the application includes a fully completed

Entity Disclosure Statement signed and either sworn to or affirmed and submitted with said application to the respective Board.

**§46-5. Exemptions.**

An Entity Disclosure Statement shall not be required for any of the following activities:

- A. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles;
- B. Construction of accessory structures, other than garages, not in excess of 300 square feet;
- C. Construction of outdoor decks, sidewalks or porches;
- D. Construction of outdoor swimming pools;
- E. Installation of fences;
- F. Interior or exterior remodeling of a single-family detached residential dwelling already in existence and with a valid certificate of occupancy as of the effective date of this chapter, which does not involve any change in the use or increase in size of the building, which shall include, but is not limited to, window replacement, door replacement, plumbing improvements, new siding, removal or interior walls and similar improvements;
- G. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
- H. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling already in existence and with a valid certificate of occupancy as of the effective date of this chapter;
- I. Construction of a private shed not exceeding 300 square feet; or
- J. Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

**§46-6. Penalties for Offenses.**

- A. Where an Entity or its representative(s) refuses or otherwise fails to provide the information required under this chapter, the further processing of such application and any work related thereto shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with all provisions of this chapter.
- B. In the event of any form of transfer of the property that is the subject of the application occurs, or the ownership or management or both of the project is transferred in any manner to another Entity during a pending suspension of the application under this section, the application shall remain suspended until such time as the succeeding Entity shall appear before such board or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this chapter. The Building Inspector is authorized to and shall issue a stop-work order on any project where an application has been suspended under this section.
- C. Any Entity or Authorized Person or representative of any Entity that provides no information or false information or grossly inaccurate information or otherwise makes any misrepresentation in any application shall, in addition to the suspension of any pending application previously set forth above, be subject to a civil penalty of not more than \$3,000.00 per offense. The Building Inspector or Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for any violations of this chapter.
- D. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the people of the State of New York against any Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal law or other criminal statutes.
- E. In addition to those penalties prescribed herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for all reasonable attorneys' fees, costs and disbursements incurred by the Town to recover this civil penalty in any legal action instituted in the name of the Town. In any such proceeding to collect a civil penalty or enforcement action, the Town shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition to reasonable

counsel fees or a charge to reimburse the Town for expenditures for appraisers, accountants or other consultants employed by the Town.

**§46-7. Application of Law.**

This chapter shall apply to all land use applications to and/or before the Building Inspector, Town Board, Planning Board or Zoning Board of Appeals pending at the date of the enactment of this chapter. This legislative action by the Town Board is being adopted by local law, using Municipal Home Rule Procedures.

**§46-8. State Environmental Quality Review Act.**

Pursuant to 6 NYCRR 617.5(20) and 6 NYCRR 617.5(27), this chapter is classified as a Type II Action, which requires no further review under the State Environmental Quality Review Act.

**Section 4. 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 5. Effective Date.**

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

**GREENS OF CHESTER WATER UPDATE**

Water Engineer Farr addressed the Board with an update regarding the Greens of Chester and their water permitting with the State. Although the Town doesn't have permitting authority, Mr. Farr has asked the State to be informed as an interested party and to his request on September 11<sup>th</sup> to Orange County Department of Health, he was told that they have not heard any response with regard to the State's request for a new application for a water supply permit and approved plans which must be provided before any building permits can be issued.

**CAMP MONROE NOISE COMPLAINT**

Mr. Farr said he had responded to rumors and complaints made about noise (end of year party) at the Camp Monroe facility. He said he has inquired about their operations and has been advised that there are no rentals and the camp is open through Rosh HaShana. He added they are scheduled to appear at the next Planning Board meeting as they are seeking other uses for the facility.

**POLICE DEPARTMENT FUND TRANSFER**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to transfer \$70,000 from fund B3120.1 to fund B3120.2 for the purchase of two police vehicles.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**WATER DISTRICT RELEVIES**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Perez to approve the following relevy of unpaid water district charges to the 2020 Town Tax bills.

Walton Lake Estates	\$15,171.00
Surrey Meadows	9,626.00
Lake Hill Farms	24,842.75

Sugar Loaf Hills	9,252.00
Fieldcrest	2,573.00

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**ASHFORD ESTATES**

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Wensley to accept the three-year maintenance bond posted by Ashford Estates in the amount of \$190,259.70.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

Engineer Fusco advised the Town Board that a satisfactory inspection was held with the Highway Superintendent and he recommends release of the performance bond.

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Finizia to release the performance bond being held in the Ashford Estates project.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**SUGAR LOAF FALL FESTIVAL**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to approve the special event permit application of the Glenmere Brewery on October 12, 13, and 14, 2019 at the Sugar Loaf Performing Arts Center front lawn and allow the Supervisor to sign same.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**EXECUTIVE SESSION**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to enter into an Executive Session at 7:35pm with regard to the hiring of personnel. Motion carried 4-0.

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to adjourn the Executive Session at 8:05pm. Motion carried 4-0.

**BUDGET WORKSHOP SESSIONS MOTION AMENDMENT**

**ON A MOTION OFFERED BY** Councilman Perez and second by Councilman Finizia to amend the motion of the budget workshop sessions to be held on October 3 and 10, 2019 to begin at 5:00pm.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**HIRING OF PERSONNEL**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to appoint Steven L. Pavese as a part-time Police Officer.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

Town Clerk Zappala administered the Oath of Office to Police Officer Pavese.

**EDUCATION REQUESTS**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Finizia to approve the attendance of Michele Deshler and Kristin Palmer to a presentation by White Star Tours on October 4, 2019 at no cost.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**STORYWALK INSTALLATION – CHESTER COMMONS**

Supervisor Valentine read the request from the Library for a contribution to support the Storywalk installation being funded by a grant to the library.

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Wensley to approve the expenditure of \$2,000 to assist the Chester Public Library in the Storywalk Installation at the Chester Commons Park.

**VOTE AYES 4: Valentine, Finizia, Perez, Wensley**

**ADOPTED**

**REPORTS**

Supervisor Valentine read the Engineer’s Report, which follows.

**DEVELOPMENT REPORT**

**CHESTERDALE:**  
Review SWPPP.

**RIDGEVIEW:**  
Pending bond reduction.

**WOODRIDGE:**  
Small drainage problem, punch list pending. Getting ready for dedication.

**ASHFORD:**  
Dedicated – preparing final bonds and paperwork.

**GREENS AT CHESTER:**  
Curbs, installation continuing, lateral installation, SWPPP continuing to be reviewed weekly; following up on water testing schedule.

**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. Ready to issue plans for quotes. We met with the insurance company.

**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.

**ANNOUNCEMENTS**

Supervisor Valentine shared the following announcements:

## Chester Fire District

Please take notice that the Chester Fire district shall hold a public hearing to discuss the contents of its proposed budget for 2020. The public hearing will be conducted at The Chester Fire District Commissioners offices located at 1410 Kings Highway, Chester, New York, at 7:00pm on October 15, 2019. A copy of the proposed budget is available at the office of the Town Clerks of the Towns of Chester, Goshen and Blooming Grove and the Village Clerk of the Village of Chester and at the office of the Fire District Secretary where it may be inspected by any interested person. In addition, copies of the proposed budget for 2020 will be available at the aforesaid public hearing. All interested persons are invited to attend.

Elizabeth A. Reilly  
Secretary, The Chester Fire District

## Orange County Household Hazardous Waste & Operation Safe Scripts Pharmaceutical Collection Event

Sponsored by Orange County DPW Division of Environmental Facilities and Services, County Executive Steven M. Neuhaus, Co-Sponsored by New York State Department of Environmental Conservation. Operation Safe Scripts sponsored by Orange County Sheriff's Office.

Saturday October 26, 2019 - 9:00am-3:00pm

Delano Hitch Recreation Center

401 Washington Street, Newburgh, NY 12550

Free for Orange County Residents with

Proof of Residency (no registration required)

The line moves quickly, please DO NOT come before 9:00 am and block traffic flow

The Orange County Sheriff's Office will be collecting prescription and over the counter medications for disposal.

*\*\*\*No medical sharps will be accepted\*\*\**

Acceptable Items: Adhesives, Aerosol Cans, Automotive Products, Fire Extinguishers, Flammable Liquids (oil, gas, kerosene and/or mixtures), Corrosives/Cleaners, Creosote, Driveway Sealer, Pool Chemicals, Fluorescent Tubes, Inks, Mercury, Oil Based Paints Only, Pesticides/Herbicides, Propane Cylinders (camp size), Roofing Tar, Rubber Cement, Solvents/Thinners, Varnishes/Shellac/Stains, Wood Preservatives, Car Batteries.

NOT Accepted: Refrigerators, Tires, Air Conditioners, Electronics, Latex (water based) Paint (see how to dispose of Latex Paint below), BBQ size Propane Tanks, Appliances, Single-Use Batteries (can be thrown in the household trash). Haz. Waste from Businesses NOT Accepted.

How to Dispose of Latex Paint: Remove the lid, put the paint can in a safe place away from children and animals and let the paint dry out. If there is a large quantity of paint in the can, line a cardboard box with a black garbage bag, pour the paint in the garbage bag and add cheap, clay kitty litter until the paint is solid. Once dried, throw the solid paint in your household trash.

For Information Call (845)291-3246 or visit: [www.orangecountygov.com/efs](http://www.orangecountygov.com/efs) and click on the Household Hazardous Waste tab on the left.

## **TOWN-WIDE LEAF PICK-UP**

The Highway Department announces the annual leaf pickup on October 21st through December 5th, 2019. Leaves should be placed curbside, not in bags. Leaves should be free of debris, including branches, rocks or garbage. Please take care because running any other kind of material will damage the machine.

## **TOWN BOARD COMMENTS**

Councilman Perez discussed the forum he attended on CUPON Orange County. He provided the Town Board with a copy of the presentation made on Housing & Zoning Enforcement and how a team of inspectors could be employed to enforce illegal housing and alleviate abandoned buildings.

Councilman Finizia made the following announcements

September 28<sup>th</sup> - "Coffee with the Candidates" sponsored by Anne Maries Deli, Sugar Loaf at 9am.

October 5<sup>th</sup> – 2<sup>nd</sup> Annual Danny Mulvey Foundation Corn hole Tournament and Fundraiser at the SLPAC at 1pm.  
October 6<sup>th</sup> – Sugar Loaf Fire District Octoberfest at 5pm.  
October 19<sup>th</sup> – Comic Bobby Collins at the Sugar Loaf Performing Arts Center.

Councilman Finizia thanked Walter and the team at the SLPAC. He said the comic and band was great and it was a lot of fun and the next time will be better.

Councilman Wensley asked the status of the pending grants. Al Fusco replied that we should hear possibly by November as he expects it to be a very positive outcome and otherwise the bulk of awards are announced by December.

Councilman Perez asked what the situation was with water testing schedule at the Greens. Mr. Fusco answered that they have Health Department permits and he has asked for feedback on any water testing be conducted.

Supervisor Valentine thanked Walter, his wife and the girls for their help in making the Grand Opening a success as there were over 300 attendees. He said the event was a debugging session to improve theater operations. While awaiting contracts, he announced a verbal agreement with Orange County Motor Sports who are considering booking 15-25 dates at the theater, hopefully to begin in the near future. He said this revenue might actually pay the note on the building. He announced the upcoming Bobby Collins comedy show on October 19<sup>th</sup>.

### **PUBLIC COMMENTS**

Aurora Robson Coles thanked the Board for their support of the Storywalk Grant Project. She commented that the library basement boiler had failed inspection and thought it might be cost effective to have the Town's maintenance person repair it. She announced the Library's Budget Hearing on October 15<sup>th</sup> at 7:15pm to be held in the library basement.

Marian Holdridge asked about Camp Monroe's application to the Planning Board. Supervisor Valentine said they would be heard at the work session to find out what they are seeking and whether they could proceed or refer them to the ZBA. He added the Town Board is pursuing the Noise Ordinance.

Cindy Becker, 11 Sanford asked the process for putting up excess land for sale. Supervisor Valentine replied the Board would declare the land excess, obtain a third party appraisal to maximize return for the Town. He added that three acres was purchased by the sewer district for \$150,000 and the remainder by donation.

Steve Keahon announced the Village of Chester PBA Corn Hole Tournament on September 29<sup>th</sup> at 10am. He thanked the Board for the LLC Disclosure Law and Councilman Perez for attending the coupon meeting as the culture is changing with regard to tightening code, enforcing and taking it seriously.

### **ADJOURNMENT**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Finizia to adjourn the meeting at 8:40pm, there being no further business brought before the Board. Motion carried 4-0.

Respectfully yours,

Linda A. Zappala  
Town Clerk  
2019-09-25