

**TOWN BOARD MEETING  
OCTOBER 23, 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, Councilwoman Smith

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

**PRELIMINARY BUDGET 2020**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Finizia to accept the changes made to the tentative budget and adopt the preliminary budget for 2020.

DISCUSSION: Supervisor Valentine explained the preliminary budget is slightly above the tax cap by \$100,000. Town Clerk Zappala noted the Preliminary Budget would be posted on the Town's website.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**SET PUBLIC HEARING – 2020 PRELIMINARY BUDGET**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Perez to set a Public Hearing on the matter of the 2020 Preliminary Budget on November 7, 2019 at 7:00pm or as soon thereafter as the matter may be heard for comments and directs the Town Clerk to duly notify for same. Said public hearing will take place in the Chester Town Hall Meeting Room, 1786 Kings Highway, Chester, NY.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**INTRODUCTORY LOCAL LAW #4 OF 2019 - A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

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**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Perez to introduce a Local Law To Override The Tax Levy Limit Established In General Municipal Law Section 3-C.

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

**Section 1. Legislative Intent**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Chester, County of Orange, State of New York (hereinafter "Chester") pursuant to General Municipal Law § 3-c, and to allow Chester to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Chester is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

**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.

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW #4 OF 2019 - A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

**ON A MOTION OFFIERED BY** Councilwoman Smith and second by Councilman Perez to set a Public Hearing on the matter of the Introductory Local Law #4 Of 2019 - A Local Law To Override The Tax Levy Limit Established In General Municipal Law Section 3-C on November 7, 2019 at 7:00pm or as soon thereafter as the matter may be heard for comments and directs the Town Clerk to duly notify for same. Said public hearing will take place in the Chester Town Hall Meeting Room, 1786 Kings Highway, Chester, NY.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**STANDARD WORKDAY REPORTING RESOLUTION**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Finizia to adopt the following Standard Workday Resolution for Elected and Appointed Officials.



Please type or print clearly in blue or black ink

Employer Location Code

Received Date  
 \_\_\_\_\_

**Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

**RS 2417-A**

(Rev. 09/18)

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

BE IT RESOLVED, that the TOWN OF CHESTER / hereby established the following standard work days for these titles and will

report the officials to the New York State and Local Retirement based on their record of activities:

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member if Tier 1)	Current Term Begin & End Dates: (mm/dd/yy-mm/dd/yy)	Record of Activities Result:**	Not Submitted: (Check only if official did not submit their Record of Activities)
<b>Elected Officials:</b>								
SUPERVISOR	6	ROBERT VALENTINE			<input type="checkbox"/>	11/19/16-12/31/19	26.67	<input type="checkbox"/>
COUNCILPERSON	6	CYNTHIA SMITH			<input type="checkbox"/>	1/1/16-/12/31/19	13.34	<input type="checkbox"/>
COUNCILPERSON	6	RYAN WENSLEY			<input type="checkbox"/>	1/1/17-12/31/19		<input checked="" type="checkbox"/>
<b>Appointed Officials:</b>								
ZONING BOARD	6	WALTER POPAILO			<input type="checkbox"/>	1/9/17-12/31/21	.17	<input type="checkbox"/>
HISTORIAN	6	CLFTON PATRICK			<input type="checkbox"/>	1/1/19-12/31/19	18.95	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

I, LINDA A. ZAPPALA, secretary/clerk of the governing board of the TOWN OF CHESTER of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 23 day of OCTOBER, 2019 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

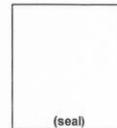
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF CHESTER on this 24 day of OCTOBER, 2019.

*Linda A. Zappala*  
 (Signature of Secretary or Clerk)

Affidavit of Posting: I, LINDA A. ZAPPALA, being duly sworn, deposes and says that the posting of the Resolution began on

OCTOBER 24, 2019 and continued for at least 30 days. That the Resolution was available to the public on the:

- Employer's website at: WWW.CHESTER-NY.GOV
- Official sign board at: 1786 KINGS HGHWAY, CHESTER, NY 10918
- Main entrance Secretary or Clerk's office at: \_\_\_\_\_



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<b>Elected Officials:</b>								
TOWN CLERK	6	LINDA ZAPPALA			<input type="checkbox"/>	11/1/17-12/31/21	22.23	<input type="checkbox"/>
HIGHWAY SUPT	6	ANTHONY LASPINA			<input type="checkbox"/>	1/1/16-12/31/19	37.5	<input type="checkbox"/>
TAX RECEIVER	6	VINCENT MANISCALCO			<input type="checkbox"/>	1/1/17-12/31/19	8.21	<input type="checkbox"/>
<b>Appointed Officials:</b>								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

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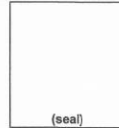
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Page 2 of 3 (for additional rows, attach a RS 2417-B form.)



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<b>Elected Officials:</b>								
TOWN JUSTICE	6	SHARON WORTHY-SPIEGL			<input type="checkbox"/>	1/1/18-12/31/21		<input checked="" type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
<b>Appointed Officials:</b>								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

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Page 3 of 3 (for additional rows, attach a RS 2417-B form.)



**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**MOODNA BASIN 2019 REINSTATEMENT AGREEMENT**

Supervisor Valentine presented the Town Board with the agreement which has been reviewed and approved by the Town Attorney and has been signed by the other parties to the agreement.

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Perez to approve the 2019 Reinstatement Agreement with the Moodna Basin Sewer Commission and allow the Supervisor to sign same.

DISCUSSION: Councilman Finizia asked for an explanation of the agreement. Supervisor Valentine explained the collective agreement between the town of Monroe, Village of Chester and Town of Chester relates to the sewer allotment at the Harriman Treatment Plant. Mr. Bonacic explained that the agreement has been restated with most terms being the same and some slight changes, for a five year term. The Town of Monroe is the fiscal officer and pays employees and vehicles can now be titled by any member. Each member has two seats on the Commission which negotiates and makes decisions as to work in regard to County Sewer District #1.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**CREATE ACCOUNT CLERK POSITION**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Finizia to create an Account Clerk position for the Town of Chester.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**RFO FOR TICKET SALES**

**ON A MOTION BY** Councilman Finizia and second by Councilman Wensley to direct the Town Clerk to cause to publish a Request for Quotes for Ticket Sales at the Sugar Loaf Performing Arts Center.

DISCUSSION: Supervisor Valentine explained that the Town is not in a position to conduct tickets sales, so an outside service provider is being sought.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**RFP FOR CONCESSIONS**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Finizia to direct the Town Clerk to cause to publish a Request for Proposals for food and beverage concessions at the Sugar Loaf Performing Arts Center.

DISCUSSION: Attorney Bonacic explained that this will allow the Town to enter into a term contract with a vendor.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**ORANGE MOTORSPORTS AND ENTERTAINMENT CONTRACT**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilwoman Smith to enter into an agreement with the Orange Motorsports Entertainment for the rental of the Sugar Loaf Performing Arts Center for a minimum of 15 dates at \$3,000 per date and \$1 per ticket sold.

DISCUSSION: Attorney Bonacic explained the agreement gives the right to secure 15 dates with an option for 10 additional dates. The agreements provides for staffing for security, ticketing, cleaning, etc.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**OUT-OF-DISTRICT WATER USER AGREEMENT**

**ON A MOTION OFFERED BY** Councilman Wensley and second by Councilman Finizia to enter into an out-of-district water user agreement with the Tin Barn Brewery for water service through the Sugar Loaf Hills Water District.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**OUT-OF- DISTRICT SEWER USER AGREEMENT**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Perez to enter into an out-of-district sewer user agreement with the Tin Barn Brewery for sewer service through Sewer District No. 4A.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**REPORTS**

Supervisor Valentine read the Engineer’s Report which appears below:

**DEVELOPMENT REPORT**

**CHESTERDALE:**

Review SWPPP. Planning to pave.

**RIDGEVIEW:**

Pending bond reduction. No current action.

**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. Reviewed tree activity; no additional cutting. They were removing trees previously cut with root removal and installing silt fence between disturbance and wetland. There are wetlands between the end of Whispering Hills property and the Greens.

**HIGHWAY GARAGE:**

Redevelopment to begin with ordering steel after insurance company approved. Spoke with insurance; we have viable direction from them. Quotes to include add alternatives for code work. Ready to issue plans for quotes. Met with the insurance company, sent deposit to fabricator. Need appropriation of move job along.

**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.

**EDUCATION REQUESTS**

**ON A MOTION OFFERD BY** Councilwoman Smith and second by Councilman Perez to approve the attendance of Clifton Patrick to the NYS Conference of Mayors and Municipal Officials (NYCOM) 2019 Planning and Zoning Webinars at a cost of \$225.00

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilwoman Smith to approve the attendance of Julie Bell to the Orange County Municipal Planning Federation Land Use and Planning Course on November 1, 2019 at a

cost of \$60.00.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**AUCTION OF LOADER FORKS**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to accept the winning bid of \$3,100 for the auction of surplus equipment through Auctions International and permit the Supervisor to sign the necessary documents.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**EXECUTIVE SESSION**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to enter into an Executive Session at 7:40pm on matters of personnel and attorney/client privilege.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**ON A MOTION OFFERED BY** Councilman Finizia and second by Councilman Perez to adjourn the Executive Session at 8:10pm.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**LIBRARY TRUSTEE APPOINTMENT**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Finizia to appoint Allen Hershman as a Chester Public Library Board Trustee for the term ending December 31, 2023.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**CONSENT ORDER AND JUDGMENT - GAREWAL**

**ON A MOTION BY** Councilwoman Smith and second by Councilman Wensley to approve the 2019 assessed value reduction from \$137,300 to \$110,580 as per the Consent Order and Judgment on sbl 12-1-8.2.

**VOTE AYES 5: Valentine, Finizia, Perez, Smith, Wensley**

**ADOPTED**

**ANNOUNCEMENTS**

Supervisor Valentine announced the free concert at the Sugar Loaf Performing Arts Center by the West Point Band on February 22, 2020, with a snow date of February 23, 2020.

Supervisor Valentine announced Assemblyman Colin Schmitt's Inaugural 99<sup>th</sup> Assembly District Veterans' Hall of Fame on Monday, November 18, 2019 at 6:30pm at the Orange County Emergency Services Auditorium. The Town's nominee is Tom Simmons, who served as a 40-year Chief Warrant Officer for the US Marines from 1951-1991.

**TOWN BOARD COMMENTS**

Councilwoman Smith announced the Halloween Trunk or Treat on October 27<sup>th</sup> from 12-2pm at the Chester Commons Park.

Councilman Finizia announced the Walton Fire Company Pancake Breakfast from 7:30am – 12 noon. He thanked Assemblyman Schmitt for inviting him to attend the "Clean Water Task force". In an effort to aid in improving the environment he showed the new corrugated boxes of water that will be sold at cost at the summer Concerts on the Lawn.

Councilman Wensley asked Anthony LaSpina for his help in getting the light erected at the Pine Hill Road location.

**PUBLIC COMMENTS**

Tracy Shuh, 94 Pickerel said she appreciated the engineer’s progress report but thought he could report on the projects before the Planning Board as well. She was specifically concerned with the cumulative impact on resources of a new small development of five acres along a tributary to Trout Brook stream which has been known to flood and the developer who owns 40 acres upstream, across the street, connected through habitat. She said he may be able to avoid larger environmental review by segmenting parcels for development, since SEQR is mostly self-policing. She said that since the Planning Board didn’t discuss the issue on the record, her attorney has sent a letter with regard to the adverse impact on water resources and the protective buffer to the stream. She urged the Board to look at the 2015 Comprehensive Plan which lends an entire page to the topic and asked the committee be reconvened before the next big environmental issue arises.

Ed Winters – Conklingtown Road, whose property is adjacent to the Greens of Chester aid he was distressed that the County of Orange vacated the Town over water permitting but thanked the Town Board for their request for 72 hour pump tests and the monitoring of wells. He said he is out asking neighbors to participate in the baseline monitoring for legal standing by having a trackable verifiable chain of custody. He said he is concerned with quantity so he is taking preemptive action to take flow tests and will not go away and appreciates the support of the Town. Engineer Fusco said the Greens hydrogeologist is gearing up to comply with the New York State Health Department. He said they have the Orange County permits but the State is the over-authority. Supervisor Valentine said the Town will stay in touch with the County to be in the loop.

**ADJOURNMENT**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Finizia to adjourn the meeting at 8:30pm, there being no further business brought before the Board. Motion carried 5-0.

Respectfully yours,

Linda A. Zappala  
Town Clerk  
2019-10-23