

*Draft*

## TOWN BOARD MEETING

August 25, 2021

7:00 PM

Supervisor Valentine opened the meeting at 7:00pm followed by a salute to the flag. Members present: Supervisor Valentine, Councilman Ardisana, Councilman Becker, Councilman Courtenay, Councilwoman Smith

Also present: Scott Bonacic, Esq., Town Attorney

### **ACCEPTANCE OF MEETING MINUTES**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Courtenay to accept the Town Board Meeting Minutes of August 11, 2021 as presented by Town Clerk Zappala.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

### **INTERMUNICIPAL AGREEMENT SNOW AND ICE CONTROL – ORANGE COUNTY**

#### **TOWN BOARD OF CHESTER**

#### **INTERMUNICIPAL AGREEMENT FOR SNOW AND ICE CONTROL ON CERTAIN COUNTY ROADS FOR THE 2021-2022 SEASON**

#### **RESOLUTION**

The following resolution was offered by Councilman Becker and seconded by Councilman Ardisana and,

**ADOPTED: AYES 5 Valentine, Ardisana Becker, Courtenay, Smith, NAYS 0, ABSENT 0**

**BE IT RESOLVED**, that Robert Valentine, Supervisor of the Town of Chester, New York, is hereby authorized and directed to execute the Intermunicipal Agreement with Orange County for Snow and Ice Control on Certain County Roads for the 2021-2022 Season within the Town of Chester. Motion carried 5-0.

#### **BY ORDER OF THE TOWN BOARD**

**Dated: August 25, 2021**

**STATE OF NEW YORK }  
COUNTY OF ORANGE } ss:  
TOWN OF CHESTER }  
}**

I, Linda A. Zappala, Town Clerk, of the Town of Chester, Orange County, New York, DO HEREBY CERTIFY, that the foregoing resolution was adopted at a meeting of the Town of Chester Town Board held on August 25, 2021, and is incorporated in the original minutes of said meeting and on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Chester, this 7th day of September, 2021

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**Linda A. Zappala, Town Clerk**

**SCHOOL RESOURCE OFFICER AGREEMENT – CHESTER UNION FREE SCHOOL DISTRICT**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Courtenay to approve the School Resource Office Agreement with the Chester Union Free School District for the 2021-2022 school year and allow Supervisor Valentine to sign same.

DISCUSSION: Councilwoman Smith asked which Officer will be assigned. Chief Doellinger replied that it is Officer Richard Perez.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**INTERSTATE WASTE SERVICES – CONTRACT OPTION MODIFICATION**

Supervisor Valentine explained that IWS has offered a 1-year option renewal on the contract we have with them for refuse, recycle and bulk service instead of the 2-year option due to the expectation of the large number of new housing units to be built in the Town. Councilman Becker said that the issues with bulk service delays are not acceptable. Supervisor Valentine said that would be addressed in the correspondence he would direct the Town Attorney to handle.

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Becker to approve the modification, subject to attorney review.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**LIFT REPAIR – HIGHWAY DEPARTMENT**

Supervisor Valentine noted it is an older lift and hard to get parts. A new lift can cost \$60,000. Councilman Becker there is a 4-5 week wait to do the work.

**ON A MOTION OFFERED BY** Councilman Becker and second by Councilman Courtenay to approve the repair estimate to rebuild the Highway Department lift in the amount of \$20,896.95.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**PEDDLER'S PERMITS**

Town Clerk Zappala presented the Town Board with two Peddler's Permit application for review, as they have been suspended during the COVID-19 pandemic for consideration on a case-by-case basis. As the applications are for the door-to-door sales of solar panels, the consensus of the Town Board was to table the request for an additional 30 days. No action was taken on the matter.

**RESOLUTION PRESCRIBING RULES AND REGULATIONS GOVERNING DEPARTMENTAL CHARGES AND DISCIPLINE OF MEMBERS OF THE TOWN OF CHESTER POLICE DEPARTMENT**

Supervisor Valentine explained that the departmental charges and discipline regulations has been voided by the Court so the following resolution is being offered to establish rules and regulations.

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Courtenay to adopt the following Resolution Prescribing Rules and Regulations Governing Department Charges and Discipline of Members of the Town of Chester Police Department.

**WHEREAS**, the Town Board of the Town of Chester, pursuant to New York State Town Law §155, exercises governance and control of the Town of Chester Police Department, and;

**WHEREAS**, the Town Board of the Town of Chester is empowered to exercise statutory powers relative to police matters and discipline; and

**WHEREAS**, the Town Board of the Town of Chester, by this resolution prescribes the following Rules and Regulations governing departmental charges and discipline of members of the Chester Police Department;

**NOW THEREFORE BE IT RESOLVED**, that a copy of the Rules and Regulations set forth below shall be conspicuously posted in the Town of Chester Police Department and each member of the Department shall be provided with a copy of such Rules and Regulations; and be it further

**RESOLVED**, that any amendment to the Rules and Regulations set forth below shall be conspicuously posted in the Town of Chester Police Department and a copy of such amendments to the Rules and Regulations shall be provided to each member of the Department; and be it further

**RESOLVED**, that the following Rules and Regulations governing departmental charges and discipline members of the Chester Police Department are adopted:

### **RULES AND REGULATIONS GOVERNING DEPARTMENTAL CHARGES AND DISCIPLINE OF MEMBERS OF THE TOWN OF CHESTER POLICE DEPARTMENT**

1. At the direction of the Chief of Police or the Chief's designee (the "Charging party"), any member of the Town of Chester Police Department (the "Department") may be investigated and examined, and departmental disciplinary charges may be preferred against a member by a written statement of Charges and Specifications. If the Chief of Police is the subject of the disciplinary investigation, the Town Board or its designee, shall be empowered to direct the preferring of charges against the Chief and otherwise carry out and all necessary acts under these Rules and Regulations.
2. In accordance with the Town Law, the Town Board shall be deemed to have knowledge of the facts upon which the charges are based as of the date that the Police Department's completed investigation of the alleged improper conduct is presented to the Town Board and not before.
3. Charges and Specifications shall be served upon the member either personally or by certified mail to the member's residence at the address on file with the Department.
4. Within ten (10) days after service of the Charges and Specifications upon a member, the member shall serve a written Answer and, at the member's election request a closed hearing, to the Chief of Police. A member's failure to serve a written Answer shall be deemed to be a general denial of all charges by the member.
5. Within forty days (40) days following service of the Charges, the Town Board will designate a hearing officer to conduct the disciplinary hearing and provide notice of the hearing officer assignment to the member. In the event of the subsequent incapacity or other unavailability of the hearing officer to preside over the hearing, the Town Board shall appoint another hearing officer within forty (40) days of notice of such incapacity or unavailability of the first appointed hearing officer.
6. Notice of the date, time and place of the scheduled hearing shall be mailed to the member by either the Charging Party, the Office of the Town Attorney or Special Counsel if such counsel has been appointed by the Town Board.
7. The Town shall pay the hearing officer assigned to hear disciplinary charges. A transcript of the hearing minutes will be provided to the hearing officer, the Department and the member at the Town's expense. The Town may provide such copies electronically at the Town's discretion.
8. During the hearing process, which shall include all breaks, conferences, off-the-record discussions and any other time between the start and conclusion of the hearing, no recording devices of any kind shall be permitted to be used by either party or any other person present at the hearing, unless both parties consent.
9. The hearing officer shall not be bound by the common law or statutory rules of evidence or by technical or formal rules of procedure.
10. Subject to the provision set forth below, the hearing officer shall conduct the hearing in such order and manner and with such methods of proof and inquiry as the hearing officer deems best suited to ascertain the facts.

11. The hearing officer may examine the parties and their witnesses as he/she deems necessary.
12. All parties shall be accorded an opportunity to present such testimony and to produce documentary or other evidence as may be pertinent, subject to acceptance as evidence by the hearing officer.
13. At the commencement of the hearing, the hearing officer shall identify all persons present and shall read the statement of charges into the record, unless such reading is waived by the parties.
14. No hearing officer shall participate in any hearing in which the hearing officer shall have preferred the charges or any part of same, or participated in the investigation of such charges.
15. All testimony shall be under oath or by affirmation and a stenographic record of the proceeding shall be made.
16. The member shall appear at the hearing in person and may be represented by counsel during all such appearances.
17. The parties and their attorney(s) shall have the right to call, examine and cross-examine parties and witnesses and to offer relevant documents, records and other evidence which the hearing officer may accept into the record as evidence.
18. The parties and their attorney(s) shall have the right to request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents, records or other evidence.
19. At the end of the hearing, the hearing officer may grant each party or counsel the right to make a closing statement and to explain or clarify, in closing, relevant points which may not have been adequately developed during the hearing.
20. The hearing officer shall not consider, rely on, or refer to any document or thing which has not been (1) identified, with stated opportunity for any party to examine the document and comment thereon, on the record; and (2) accepted for the record.
21. In the interest of speedy administration of justice, the hearing officer shall:
  - a. Except for good cause shown, hear the matter through conclusion on consecutive days as required;
  - b. Within twenty (20) days after receipt of the stenographic hearing minutes, the hearing officer shall make written findings of fact and recommendations as to penalty, if any, to the Town Board and shall provide the hearing record including all exhibits, evidence and hearing transcripts to the Town Board, which following its review of the record, shall render a final determination regarding the charge(s) and penalty(ies), if any;
  - c. If both parties agree to submission of post-hearing briefs or the hearing order orders such submissions, the hearing officer may allow for submission of such briefs following the conclusion of the hearing. In the event that post-hearing briefs are submitted, the findings of fact and recommendations as to penalty referred to in 21(b) above shall be provided within either twenty (20) days after the hearing officer receives the stenographic hearing minutes, or within twenty (20) days after such post-hearing briefs are received by the hearing officer, whichever date is later.
  - d. The member shall have the right to a public hearing. Upon members request the hearing shall be closed to the public and the case file will be marked "Confidential"; however the confidential nature of the hearing record shall not extend to any judicial review thereof or require confidentiality regarding findings of guilt or admissions of guilt to the charges against the officer.
  - e. No discovery or prehearing motion practice is permitted except that, no less than five (5) days prior to the scheduled hearing date, the parties will exchange their respective lists of anticipated witnesses and exhibits.

22. In the event that for health, calendar or other reasons, the assigned hearing officer informs the parties that he or she cannot conduct a hearing to a timely conclusion, the Town Board in its absolute discretion may either: (a) suspend the hearing until the assigned hearing officer can preside over the completion of the hearing; or (b) appoint a replacement hearing officer who shall continue the hearing through conclusion. The new hearing officer will be provided a transcript of the minutes of all prior proceedings with the exhibits in evidence constituting the hearing record as of that hearing officer's appointment.

23. As prescribed by the Town Board, these Rules and Regulations are expressly intended to supersede any and all existing procedures governing disciplinary charges and shall apply to all currently pending departmental disciplinary charges and to all disciplinary charges preferred following the adoption of these Rules and Regulations.

24. Should any of these Rules and Regulations, or any Rule or Regulation as may be prescribed by the Town Board from time to time, conflict with the Town Law, it is the intent of the Town Board that these Rules and Regulations shall control.

25. In the event that any Rule or Regulation is declared invalid by a court of competent jurisdiction, such invalid part shall be deemed severed from these Rules and Regulations which shall otherwise continue in full force and effect.

DATED: August 25, 2021

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**SUGAR LOAF PERFORMING ARTS CENTER FIRE ALARM**

Supervisor Valentine reported that the fire alarm monitoring system needs to be updated at the SLPAC.

**ON A MOTION OFFERED BY** Councilman Becker and second by Councilman Courtenay to approve the upgrades to the fire alarm monitoring system at the Sugar Loaf Performing Arts Center by P&N Fire and Burglar Alarm Co. at a cost of 1,975 with an annual monitoring fee of \$1,380.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**SUGAR LOAF PERFORMING ARTS CENTER AND PARKS DEPARTMENT SPOTZ SYSTEM**

Supervisor Valentine explained that a new scheduling program needs to be purchased for the SLPAC and Parks Department.

**ON A MOTION OFFERED BY** Councilman Becker and second by Councilman Courtenay to approve and allow the Supervisor to sign the agreement for a new scheduling program for use by the Sugar Loaf Performing Arts Center and the Parks Department upon receipt of the proper documents.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**EDUCATION REQUESTS**

**ON A MOTION OFFERED BY** Councilwoman Smith and second by Councilman Ardisana to approve the education request for Alexa Burchianti to attend the Annual Last Chance for Hours Conference, from November 16 to November 19, 2021 in Kingston at a cost of \$375.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**ON A MOTION OFFERED BY** Councilman Becker and second by Councilman Courtenay to approve the education request for Bill Keller and Chris Cocks to attend a workshop at the Wallkill Golf Club on September 16, 8:30am-1:30pm at a cost of \$30 p/person.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**ANNOUNCEMENTS**

Supervisor Valentine announced the road closure on Craigville Road on August 30<sup>th</sup> for 5 days, due to scheduled road work.

Supervisor Valentine announced the addition of \$3,375.53 in ARPA funds to be credited to the Town of Chester, bringing the total entitlement to \$830,151.35 by 2022, of which \$413,387.91 has been received to date.

**VOTE AYES 5: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

**REPORTS**

Supervisor Valentine read the following reports.

**Engineer's Development Report**

1. Greens at Chester: The stormwater protection system has proven efficient during the recent Tropical Storm. Improvements to the back area are pending.

The DOH is requiring a conventional water tank rather than a buried concrete tank. We are reviewing preliminary designs.

They have requested a bond reduction which we are evaluating for recommendation to the Town Board.

2. Cappelli Sports (Primo Sports): The stormwater systems were efficient during the Tropical Storm. They have requested some site changes. We informed them if they wish they need to go to Planning Board.
3. Walton Lake Water District: We sent the new well location for approval by the OCDOH.
4. Chester PAC: The grant for ADA improvements seems possible. We provided additional information as required.
5. Johnson Road Paving Grant: We enlisted Assembly Colin Schmitt to assist in changing from Surrey Meadows to Johnson Road.
6. Sugar Loaf: There is a downtown revitalization grant we are investigation.
7. MS4: Outfall inspections are underway. We will do mapping in fall after leaves are off.

**TOWN BOARD COMMENTS**

Councilman Ardisana mentioned the new Governor of the State and how he hopes she will be nice to us. He reported that there are no other interested residents for the Cannabis Committee. Supervisor Valentine suggested having an informational session.

Councilman Courtenay said he has been out of Town. He reported the 911 Memorial is being cleaned up by the Highway and Parks Department preliminarily for the 20<sup>th</sup> year anniversary memoriam.

Councilwoman Smith thanked Richard Logothetis for all the work he has done for the Town with stage and sound systems. And now the Town has contributed to the Sugar Loaf sign project for which he has built extra strong posts

which were installed by Dave Stoddard. She added they need the Highway Department to straighten out the scoreboard at the Chester Commons and needed repairs to the bleachers and SLPAC to be done by the part-time employee. Striping will be done at the Commons and she will meet with the Engineer and Building Inspector to go over the additional improvements to the Building Department. She announced upcoming events:

Senior Brunch – September 9<sup>th</sup>, 8:45am-1pm  
Historical Society Yard Sale – September 18<sup>th</sup>  
Chester Community Services Day – September 18<sup>th</sup>  
Octoberfest – Sugar Loaf Engine Company –  
Shred Event – September 24<sup>th</sup>, 10am-12noon, Chester Town Hall  
Presbyterian Church Chicken Dinner – September 25<sup>th</sup>

Councilman Becker reported at Walton Lake Estates we have received approval for the placement of the new well but the placement had to be adjusted slightly. Turnbull Well Drilling has us on their schedule but the recent heavy rains may extend the timeline because of access to the site. The Water and Highway Dept. had no issues during the recent storm Henri and he thanked both departments for getting the sewer line installed for the restroom for the new EMS room downstairs, and after their move, the old space will be converted to a records storage vault. He added that the park mulch has been received but due to the issue with manpower shortage, he has worked it out with the Village and Town Highway to assist the Parks Department to work on one park at a time.

#### **PUBLIC COMMENTS**

Larry Dysinger, Odyssey Drive, said the new website is fantastic and easy to navigate. He added that the bulk service is inadequate with only 2 items allowed and 2-4 weeks advance notice.

Deb Quinn, FB, said she doesn't want anyone at her door.

Susan Foley, FB, asked for an update on the Chester Commons Park maintenance.

Lydia Cuadros, FB, asked for the Sugar Loaf revitalization grant details. Supervisor Valentine said they would be forthcoming.

#### **ADJOURNMENT**

**ON A MOTION OFFERED BY** Councilman Courtenay and second by Councilman Ardisana to adjourn the meeting at 7:35pm, there being no further business brought before the Town Board.

**VOTE AYES 4: VALENTINE, ARDISANA, BECKER, COURTENAY, SMITH**

**ADOPTED**

Respectfully submitted,

Linda A. Zappala  
Town Clerk  
2021-08-25