

Draft

**TOWN BOARD MEETING AND PUBLIC HEARING
July 27, 2022
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 Courtenay, Councilman Holdridge, Councilwoman Smith

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

Following the pledge, Supervisor Valentine asked all to remain standing for a moment of silence for long-time Town Attorney Ben Ostrer who passed away on July 13, 2022. He was admired and respected by all and the Town Board sends sincere condolences to his wife and family.

PUBLIC HEARING - INTRODUCTORY LOCAL LAW NO. 2 OF 2022, A LOCAL LAW ADDING CHAPTER 49 ENTITLED "FILM AND VIDEO PRODUCTION" TO THE TOWN CODE OF THE TOWN OF CHESTER

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

The Town Board of the Town of Chester will hold a public hearing on a proposed local law entitled:

INTRODUCTORY LOCAL LAW NO. 2 OF 2022

**A LOCAL LAW ADDING CHAPTER 49 ENTITLED "FILM AND VIDEO PRODUCTION"
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 49, Entitled "Film and Video Production" to the Town Code of the Town of Chester.

Section 2. Legislative Intent

The Town of Chester has experienced an increase in requests from film and production companies to film at locations within the Town of Chester. This chapter is intended to establish guidelines for filming within the Town of Chester and to create a consistent approach to applications for filming.

Said public hearing will take place in the Town Hall Meeting Room, 1786 Kings Highway, Chester, NY on Wednesday, July 27, 2022 at 7 PM or as soon thereafter as the matter may be heard.

All persons interested in the subject matter may appear in person or by agent. All written communications should be addressed to the Board at the above address.

**BY ORDER OF THE
TOWN BOARD TOWN OF
CHESTER**

**LINDA A. ZAPPALA,
TOWN CLERK**

Dated: July 14, 2022

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to open the Public Hearing on the matter of Introductory Local Law No. 2 Of 2022, A Local Law Adding Chapter 49 Entitled “Film And Video Production” To The Town Code Of The Town Of Chester at 7:05pm.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

Supervisor Valentine asked if there were any public comments. There were none.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to close the Public Hearing at 7:06pm.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

PUBLIC COMMENTS

Richard Logothesis, 1405 Kings Highway, commented on the heavy truck traffic through the hamlet that he has observed. He believes it is due to GPS routing. He suggested a change would solve the problem.

Allyson Delo, 10 Glenmere Road, said she live across from Capelli Sports which doesn't belong in the neighborhood. She commented that she was promised at the start that she would not be disturbed day to day, but cars park all along Glenmere Road and the Police Department advises them but signs need to be posted, which the Town Board must adopt beforehand and Capelli has agreed to pay for. Ms. Delo reported that there are lights blaring and noise all night long with yelling and cursing. She was aware of the lighting and noise ordinances, but since they are industrial within a residential area they are exempt. She asked the Board to take that into account for any changes in the local laws. Engineer Fusco said he will pursue the owner on behalf of the Town to get the signs erected.

Lydia Cuadros via FB asked how the Town can pursue a grant if they haven't voted on the playground. Supervisor Valentine replied that the Town needs to apply for the grant before they approve the playground project.

EXECUTIVE SESSION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to enter into Executive Session at 7:15pm on a matter of personnel.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the Executive Session at 7:20pm.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

POLICE DEPARTMENT CANDIDATE

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to approve the hire of Katiria Narain as Full-time Police Officer for the Town of Chester, effective August 24, 2022.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

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

LOCAL LAW NO. 2 OF 2022 A LOCAL LAW ADDING CHAPTER 49 ENTITLED “FILM AND VIDEO PRODUCTION” TO THE TOWN CODE OF THE TOWN OF CHESTER

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Ardisana to adopt the following local law as No. 2 of 2022.

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 49, Entitled "Film and Video Production" to the Town Code of the Town of Chester.

Section 2. Legislative Intent

The Town of Chester has experienced an increase in requests from film and production companies to film at locations within the Town of Chester. This chapter is intended to establish guidelines for filming within the Town of Chester and to create a consistent approach to applications for filming.

Section 3. Film and Video Production

Chapter 49 entitled “Film and Video Production” is hereby added to the Town Code of the Town of Chester, to read as follows:

§49-1. Definitions.

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

FILMING

The recording of film, video tape or other medium of motion pictures, commercials, documentaries, shows, performances, athletic or sporting events, or other similar events or activities, including still photography. Filming by and intended for the exclusive use of the owner and his/her immediate family shall be excepted from this definition. Filming shall include setup and breakdown time.

PRIVATE PROPERTY

All areas within the Town of Chester other than Public Property, including areas zoned for residential and business uses.

PUBLIC PROPERTY

Any and every public building, street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Town of Chester.

§49-2. Filming on Private Property.

- A. No commercial, movie, television program, documentary or similar audio-visual production or any portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any Private Property in the Town of Chester without first obtaining a permit from the Town Board. Filming in any district zoned commercial, industrial, residential or other shall be permitted subject to the following conditions:
1. The property must be of adequate size.
 2. No heavy equipment may be permitted on lands containing septic tanks or leach fields.
 3. All vehicles associated with the filming must be contained on-site. If said vehicles are not contained on the site, arrangements must have been previously made to lawfully park vehicles off-site.

4. Travel on local streets to the site is restricted from the hours of 7:00 a.m. to 10:00 p.m.
- B. Application for a permit shall be submitted to the Town Board on a form to be provided by the Town Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with filming is commenced.
- D. Operational Limitations:
 1. Filming shall not be conducted at the same location for more than 30 calendar days within any twelve-month period.
 2. Filming shall not be conducted at the same location within 14 days of another filming.
 3. No applicant shall allow any filming for which a permit has been issued to be conducted prior to 7:00 a.m. or after 10:00 p.m., unless expressly approved by the Town Board.
 4. No applicant shall allow equipment used in connection with permitted filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location contained in the permit application prior to 7:00 a.m. or after 10:00 p.m., unless otherwise expressly approved by the Town Board.
 5. The Town Board may, in its discretion, waive any of the restrictions contained in this subsection and shall be permitted to impose reasonable conditions in doing so.
- E. The Town Board shall have the authority to approve or disapprove of an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety and welfare of the residents of the Town of Chester. The Town Board may also extend the hours of filming on public property, subject to any conditions and additional fees deemed necessary and appropriate.
- F. A certificate of insurance must be submitted with the application, naming the Town of Chester as an additional insured and in compliance with all other conditions established by the Town Board in the following minimum amounts:
 1. Property Damage: \$2,000,000.00 per individual; \$2,000,000.00 per occurrence.
Personal Injury: \$2,000,000.00 per individual; \$2,000,000.00 per occurrence.

§49-3. Filming on Public Property.

- A. No commercial, movie, television program, documentary or similar audio-visual production or any portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any Public Property in the Town of Chester, including but not limited to streets, sidewalks, parks and buildings, or any bodies of water within the Town without first obtaining a permit from the Town Board. A permit shall be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other film-related activity on any public property or any other use of public property for the purpose of making audio-visual productions.
- B. Application for a permit shall be submitted to the Town Board on an application form to be provided by the Town Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with filming is commenced
- D. A certificate of insurance must be submitted with the application, naming the Town of Chester as an additional insured and in compliance with all other conditions established by the Town Board in the following minimum amounts:

1. Property Damage: \$2,000,000.00 per individual; \$2,000,000.00 per occurrence.
2. Personal Injury: \$2,000,000.00 per individual; \$2,000,000.00 per occurrence.

E. Operational Limitations:

1. No applicant shall allow any filming for which a permit has been issued to be conducted prior to 6:00 a.m. or after 12:00 midnight.
2. No applicant shall allow equipment used in connection with permitted filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location contained in the permit application prior to 6:00 a.m. or after 12:00 midnight.

F. The Town Board shall have the authority to approve or disapprove of an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety and welfare of the residents of the Town of Chester. The Town Board may also extend the hours of filming on public property, subject to any conditions and additional fees deemed necessary and appropriate.

§49-4. Requests for Film Productions.

Any requests for film productions which will exceed five days must be submitted to the Town Board at least 30 days prior to the date filming will take place. The Town Board may establish any fee it deems reasonable and appropriate for such filming.

§49-5. Use of Town Employees.

- A. Applicants shall be responsible for all costs incurred by the Town in assigning police, fire, public works or other Town employees to facilitate or monitor the filming process.
- B. The decision to assign Town employees shall be the responsibility of the Town Board and the department heads.
- C. Provisions for billing and collection of costs shall be determined at the time of the event.

§49-6. Fees.

- A. Fees shall be adopted by resolution of the Town Board for:
 1. Filming by or for a not-for-profit organization or the filming of a documentary, for each day, on either private or public property.
 2. Filming by a production company for a commercial or a profit-making entity, for each day, on either private or public property.
- B. The schedule of fees, once adopted by the Town Board, will be available for inspection in the office of the Town Clerk. The Town Board shall be permitted to raise the level of any fee due under this chapter when the circumstances warrant.

§49-7. Penalties for Offenses.

- A. Any person or entity which violates the provisions set forth in this chapter shall be subject to a fine of not more than \$500.00 per day for each day that the violation continues and/or imprisonment not to exceed 15 days.

The imposition of such penalty shall not be the Town's exclusive remedy in the event of a violation of this chapter. The Town may pursue any and all other legal remedies available in connection with any violation of this chapter.

- B. Notwithstanding any section of this chapter, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

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.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

SUGAR LOAF PERFORMING ARTS CENTER PLAYGROUND GRANT RESOLUTION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adopt the following resolution.

NEW YORK STATE OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION'S ENVIRONMENTAL PROTECTION FUND GRANT RESOLUTION

WHEREAS, the Town of Chester supports the grant application made to the Office of Parks, Recreation, & Historic Preservation's Environmental Protection Fund Grants Program for Parks, Preservation, and Heritage (EPF). The application is to request funding to support the construction of a new playground outside of the Sugarloaf Performing Arts Center, and

WHEREAS, the Town of Chester recognizes the fifty (50) percent match requirement for the EPF grant program, and has secured the matching funds.

NOW, THEREFORE, BE IT RESOLVED, if the Town of Chester is awarded a grant by the Office of Parks, Recreation, & Historic Preservation, the Town of Chester agrees to accept the grant award, and may enter into an agreement with the State of New York for the above referenced project. The Town of Chester will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement.

VOTE: AYES (4): VALENTINE, ARDISANA, HOLDRIDGE, SMITH, NAYS (1): COURTENAY

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CHESTER JULY 27, 2022

Robert Valentine, Town Supervisor

Linda Zappala, Town Clerk

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ELECTRICAL INSPECTOR

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the addition of SAS Electrical to the approved list of electrical inspectors for the Town of Chester.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

DELTA DENTAL INSURANCE RENEWAL

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Ardisana to approve the renewal with Delta Dental Insurance at no increase in rate and allow the Supervisor to sign the agreement.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ASSOCIATION OF TOWNS DUES

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the payment of the annual membership dues in the amount of \$1,500 to the Association of Towns.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

TOUR DE GOSHEN

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the Tour de Goshen bicycle ride through the Town of Chester on August 21, 2022.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

WATER RESTRICTIONS – TOWN-WIDE WATER DISTRICTS

Supervisor Valentine explained with the current conditions and the Walton Lake pump running 20 hours per day and the use of water in Sugar Loaf, there needs to be restrictions on usage put in place.

ON A MOTION BY Councilman Holdridge and second by Councilman Ardisana to approve the mandatory water restrictions in the Walton Lake Estates Water District and the Sugar Loaf Hills Water District.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION BY Councilman Courtenay and second by Councilman Ardisana to approve the voluntary water restrictions in the Surrey Meadows Water District, and the Lake Hill Farms Water District.

WALTON LAKE ESTATES WATER DISTRICT QUOTES

Three quotes were obtained for the Well 3-D project in the Walton Lake Estates Water District.

| | |
|-----------|-------------|
| Claverack | \$13,636.00 |
| Turnbull | \$17,920.76 |
| Frey | \$24,860.00 |

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the quote from Claverack in the amount of \$13,636.00 for the Well 3-D project in the Walton Lake Estates Water District.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ANNUAL MANDATORY EMPLOYEE TRAINING

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Ardisana to approve the closure of the

Town Hall offices on September 13, 2022 from 8:30am-12:30pm for the Annual Mandatory Employee Training.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

WEBSITE MODIFICATIONS

Supervisor Valentine read the suggestion from Tracy Shuh to place information on the Town's website.

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to approve the addition of Knapp's View, Goosepond State Park and Heritage Trail information and links on the Town's website.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

AUCTIONS INTERNATIONAL CONTRACT

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the renewal contract with Auctions International and allow the Supervisor to sign same.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

EXECUTIVE SESSION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to enter into Executive Session at 7:40pm on a matter of litigation and labor relations.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the Executive Session at 8:20pm.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

PRIYASH HOSPITALITY CERTIORARI

Supervisor Valentine said an agreement has been reached to reduce the assessment on the Priyash Hospitality Certiorari as follows:

| | <u>2020</u> | <u>2021</u> | <u>2022</u> |
|---------|-------------|-------------|-------------|
| Former | \$3,200,000 | \$3,200,000 | \$3,200,000 |
| Revised | \$2,500,000 | \$2,500,000 | \$2,400,000 |

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Ardisana to approve the settlement of the Priyash Hospitality Certiorari and authorize the Town Attorney to sign the agreement.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

EDUCATION REQUESTS

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the attendance of Officer Bird to the Officer Wellness In-service Training course. The course will be held in Goshen on August 11th. There is no fee for the course.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the attendance of Tom Becker to the New York Rural Wastewater/Water Training Session on August 11, 2022 at a cost of \$40.00

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

REPORTS

Engineer's Development Report

1. Greens at Chester: SWPPP in compliance. Requested catch basin improvements prior to last storm. Reviewing the retaining wall details.
2. Capelli Sports (Primo Sports): They are not in total compliance and will be calling for parking signs and NOT.
3. Chester PAC Playground: Did plan and estimate for the grant.
4. Chester PAC CDBG: Revised bid documents slightly. Going back out for bid on August 5, 2022 and Bid opening September 8, 2022.

CORRESPONDENCE AND ANNOUNCEMENTS

Supervisor Valentine acknowledged correspondence from Tracy Shuh of the Preservation Collective addressing concerns regarding the 509 Bellvale project wetland buffer line delineation. Engineer Fusco commented that ERS Consultants had opined that no wetlands exist on the subject site. He stated that there will be co-ordination of a 2-plan overlay and DEC files will be checked as to the site status.

Supervisor Valentine read the notice of live-stream public hearing to be held by the Planning Board on August 3, 2022 via Facebook, Chester Rec and YouTube.

PLANNING BOARD
TOWN OF CHESTER
COUNTY OF ORANGE
1786 KINGS HIGHWAY
CHESTER, NY 10918

NOTICE IS HERBY GIVEN that a public hearing will be held by the Town of Chester Planning Board on the 3rd day of August, 2022 at 7:00 PM, or as soon thereafter as the matter may be heard for consideration of the following:

Application of ARX Wireless, LLC for a site plan approval allowing the installation of a 150-foot monopole (plus 4-foot lightning rod) to support wireless antennas of Verizon Wireless and future collocation by others, together with related ground equipment secured within a 60-foot by 60-foot fenced compound and installation of fiber and power utilities on premises located on Co. Highway 45 and designated on the Tax Map as Section 8, Block 1, Lot 21.

The Planning Board will, at the above time and place, hear all persons in support of the application or any objection thereto. Persons may appear in person or by agent. Any written communication addressed to the Planning Board should be received by the Board at, or prior to, the date of the hearing.

At this hearing all persons interested will have an opportunity to be heard.

PLEASE MONITOR THE TOWN OF CHESTER WEB SITE FOR FURTHER INFORMATION IN THE EVENT CIRCUMSTANCES REQUIRE ANY CHANGES REGARDING THIS HEARING.

Dated: July 11, 2022 Chester,
New York

BY ORDER OF THE PLANNING BOARD, TOWN OF CHESTER, NEW YORK

Donald Serotta, Chairman

Supervisor Valentine added that there will be a balloon flying on August 12, 2022.

Supervisor Valentine announced the upcoming meeting of the Moodna Water Creek Council via zoom on July 28, 2022 at 10:00am-11:15am.

TOWN BOARD COMMENTS

Councilman Holdridge announced he was able to get the Railroad to cover the hole by Scott's Meadows in the hamlet. He asked if the sewer issue at Camp Monroe Road was resolved. Supervisor Valentine reported that Moodna and the Highway Department completed the work. Water Administrator Becker explained it wasn't a leak in the lines but pressure caused the issue.

Councilwoman Smith said she was able to get the Railroad to repair the crossing at Greycourt Avenue. She thanked the Board for the approval of the pickle ball court project. Councilwoman Smith said of Ben Ostrer's passing that he was everything good and will be really missed. She asked Councilman Holdridge if he wanted to attempt pursuit of the Ward System since she was tired of chasing attorneys. Supervisor Valentine said he was aware of a firm in Albany that may be able to handle this work. Councilman Holdridge said he would be happy to look into the matter.

Councilman Courtenay announced the film festival is at full steam ahead. He noted the Cruise for a Cause was well attended. He added this great cause seemed to have attracted Mt. Sinai to support as they attempted to join in for testing for prostate cancer. He was thanked by Councilwoman Smith for his donation to the cause in the form of the SLPAC rental fee.

Councilman Ardisana said Ben Ostrer will be missed. He never said no and always was available to assist him in any way.

ADJOURNMENT

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the meeting at 8:35pm, there being no further business brought before the Board.

VOTE: AYES (5): Valentine, Ardisana, Courtenay, Holdridge, Smith

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2022-7-27