

**TOWN BOARD MEETING
September 28, 2022
7:00 PM**

Supervisor Valentine opened the meeting at 7:00pm followed by a salute to the flag. Members present:

Supervisor Valentine, Councilman Courtenay, Councilman Holdridge, Councilwoman Smith, Absent: Councilman Ardisana

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

PUBLIC COMMENTS

Water Administrator Becker gave an update on the Sugar Loaf Hills Water District Boil Water Advisory. He explained that a planned dig for repair caused a more complicated situation than was expected so the main had to be shut down, causing a boil water advisory for precaution. A negative test for bacteria was received yesterday and the test taken today is pending results before it can be determined that the advisory could be lifted. He thanked the Water Department and the Highway Department for all their hard work.

Tracy Shuh, 94 Pickerel Road, Chester addressed the agenda item for the ARX Amendment, and how the cell tower could be 180 feet tall. She acknowledged that the amendment reflects the easement over another town-owned lot and asked if the notice could be more descriptive and state the lessee. With regard to code amendments, she commented that the current noise code may not be effective and not be a deterrent. She commented that she was pleased that the ethics Board would meet each other to be able to reach an effective process. She opined that complaints should go directly to the Ethics Board as to take out the politics. As an advisory board, the Town Board may reject or agree with their recommendations. She suggested the Ethics Board member information be added to the Town's website. She said she is glad there are standards, but not just on paper. She announced the upcoming Planning Board meeting to be held on October 5, 2022 would include the various subdivision and warehouse expansion.

Lydia Cuadros, FB, asked if the occurrence at the Sugar Loaf Hills Water District could be explained and if the water is being tested. She commented that the means of notification is not adequate.

Legislator Ehlers addressed the Board. He announced the Cromline Pump Station \$1,500,000 improvement had been approved in committee and he will look at the rate projections for this drainage district. He said he has been working on several projects with the Town Supervisor over the past eight months.

ACCEPTANCE OF MEETING MINUTES

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to accept the Meeting Minutes of September 14, 2022 as presented by Town Clerk Zappala.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

TENTATIVE BUDGET 2023

The Town Clerk presented the Tentative Budget to the Town Board. Supervisor Valentine asked all to review and contact him with any questions.

SET PUBLIC HEARINGS FOR BUDGET SESSIONS

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to set Budget Workshop sessions on October 6, 2022 and October 7, 2022 at 7pm at the Town Hall meeting room and direct Town Clerk Zappala to cause to publish same.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

PROVISIONAL APPOINTMENT OF RECREATION COORDINATOR

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the provisional appointment of Michele Deshler as Recreational Coordinator pending promotional exam, effective immediately.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

CDBG 2021 - SUGAR LOAF PERFORMING ARTS CENTER RE-BID

Supervisor Valentine said that since all the bids were too high we should put out a bid for the parking lot and striping only.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to approve the re-bid of the amended project for the paving of the parking lot at the Sugar Loaf Performing Arts Center for the CDBG grant project.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

AUTHORIZE AUCTION OF SURPLUS EQUIPMENT

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to approve the auction of the 1997 International Dump as surplus on Auctions International.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

ADOPT SHORT-TERM RENTAL FEE SCHEDULE

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adopt the following annual fee schedule for short-term rentals in the Town of Chester:

Owner occupied - \$250

Non-owner occupied - \$350

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

INTRODUCTORY LAW #3 OF 2022

Councilman Holdridge spoke on the matter of the amendments to Chapter 7 whereby the Board of Ethics would now meet quarterly to go over procedures and be proactive to prevent ethics violations and provide advisory opinions to the Board. Chapter 66 where an increase of \$100 per offense would be fined to repeat offenders. Attorney Bonacic said this would provide a step-up for court fines on repeat offenders. Councilman Courtenay said he would be concerned about appearances, but would be okay as long as it doesn't leave the Town open to any actions. Attorney Bonacic said the ordinance is Town-wide. Councilman Holdridge replied that this penalty would apply on repeat complaints and he recognized it may not stop the violations from occurring. Introductory Local Law 3 of 2022 will be distributed by the Town Clerk to the Planning Board and the Orange County Planning Department for review and comments.

Councilman Holdridge introduced the following local law:

INTRODUCTORY LOCAL LAW NO. 3 OF 2022
A LOCAL LAW TO UPDATE AND AMEND CHAPTER 7
AND CHAPTER 66 OF 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. Purpose and Intent

It is the intent and purpose of this Local Law to update and amend Chapter 7, entitled “Ethics, Code of,” of the Town Code of the Town of Chester to provide further requirements for the Ethics Board; and to update and amend Chapter 66, entitled “Noise Pollution Control,” of the Town Code of the Town of Chester to provide further information and penalties with respect violations.

Section 2. Amend Chapter 7, Section 7-10, entitled, “Board of Ethics”, to add the following:

- E. The Board of Ethics shall meet quarterly, at least once every three months, to discuss any potential improvements that could made to the Board and any proactive steps that should be taken with respect to administration of the Board. The Board shall then report any such potential improvements and/or proactive steps to the Town Board. The Town Board shall take report under advisement with respect to potential amendments to the Town Code and Town procedures affected thereby.

Section 3. Amend Chapter 66, Section 66-8, entitled “Penalties for Offenses”, to read as follows:

- D. Penalties and Repeat Convictions. Any person convicted of a violation of this Chapter shall, for a first conviction thereof, be punished by a fine of not less than \$50, but no more than \$250. For a second such conviction within six months thereafter, such person shall be punished by a fine of not less than \$150, but no more than \$350. For a third or subsequent conviction within six months after the first conviction, such person shall be punished by a fine of not less than \$250, but no more than \$350 for each such conviction. If a person served with an initial notice of violation fails to correct the violation within thirty minutes after receiving said notice, then such failure shall be deemed a separate and distinct violation and the individual may be issued additional notices of violation.

Section 5. 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 6. Effective date.

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

SET PUBLIC HEARING ON INTRODUCTORY LAW #3 OF 2022

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to set a Public Hearing on the matter of Introductory Local Law No. 3 of 2022, A Local Law to Update and Amend Chapter 7 and Chapter 66 of the Town Code of the Town of Chester on October 25, 2022 at 7pm at the Town of Chester Town Hall and direct Town Clerk Zappala to cause to publish same.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: (1) Ardisana

ADOPTED

FIRST AMENDMENT TO LAND LEASE AGREEMENT – ARX

Supervisor Valentine explained that through legal review by Verizon Wireless, it was discovered that the agreement did not include an access easement through lot 8-1-22, but only identified the property on 8-1-21, known as County 45, Chester, New York. He added the First Amendment to the Land Lease Agreement replaces the map and shows the easement and gives rights to access.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to add access area along the existing road to ARX Land Lease Agreement by First Amendment, and allow the Supervisor to sign, subject to legal review and permissive referendum.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT (1): ARDISANA ADOPTED

ACCEPT RESIGNATION

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to accept the resignation of Steven Smith, effective September 23, 2022.

VOTE: AYES (3): Valentine, Courtenay, Holdridge, ABSTAIN (1): Smith, ABSENT (1): Ardisana ADOPTED

CHESTER COMMONS LIGHTING DISCUSSION

Supervisor Valentine addressed the issue at the Commons Park when the lights failed to work during a football game. Although, they were tested previously by the Parks Department and school personnel, he explained that a tree broke through the wires causing intermittent outages. Kode came in and fixed the broken wires and the lights are now working properly. Councilwoman Smith said it was really a school issue since they use the fields. Supervisor Valentine said this was a long-time agreement with the school to allow the use. Councilman Courtenay said we should consider upgrading the lights to LED. Supervisor Valentine added the heads should be replaced to make them more dependable.

REPORTS

Supervisor Valentine read the Engineer's Development Report.

1. Greens at Chester: SWPPP working well. Discussing Transportation Corporation with developer and getting ready to do the submittal to Orange County. Waiting for mapping from developers Engineer.
2. Capelli Sports (Primo Sports): we have a monthly SWPPP and going to Planning Board for sheds.
3. Contacted NYSDEC on the dog park. Appointment on Monday at 12noon on site.
4. Chester PAC CDBG: Rebid as soon as CDBG approves new bid package.
5. Working on MS4 outfalls.
6. Reviewing Health Department approval for 10" DI water line through PAC.

OTHER BUSINESS

Supervisor Valentine reported that the Building Department truck will need to be replaced due to an accident. The Building Inspector would be filling in with the use of the Assessor's Department vehicle for the time being. Two estimates were received off State bid:

2022 Ford Edge SUV	\$35,000
2022 Chevy Silverado pick-up	\$39,000

The Building Inspectors preference was for the pick-up. Councilman Holdridge asked why it would be more conducive. Alexa explained that the higher truck would provide more ground clearance.

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to approve the purchase of a 2022 Chevy Silverado 1500 LTD from Whitmoyer Ford at a cost of \$39,000.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: Ardisana

ADOPTED

EXECUTIVE SESSION

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to enter into Executive Session at 7:45pm on a matter of personnel.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: Ardisana

ADOPTED

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Holdridge to adjourn the Executive Session at 8:10pm.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: Ardisana

ADOPTED

TOWN BOARD COMMENTS

Councilman Courtenay said the Film Festival turnout far exceeded expectations with over 250 people coming through. He said the economic piece for the hotels and restaurants was between \$5,000-6,000. He said they had an awards night and the filmmakers were grateful. He added there were 430 submissions with 80 films still available to view on-line. He anticipates it will grow as the Sugar Loaf Performing Arts Center is the facility to have it at. He thanked all the staff who did so much.

Councilwoman Smith said she has obtained three estimates for the pickle ball nets. She said it is possible that the Highway Superintendent may be able to place permanent nets next spring, but either way it will get done. She announced, to play pickle ball, go to the APP: Team Reach Chester and use code 10918. She announced Bellvale's annual Octoberfest on October 15, 2022 at 2:00pm. She mentioned the \$150,000 grant for the senior center improvements which would require purchase of equipment off state bid.

Councilman Holdridge said he is waiting to hear from Orange County Planning with regard to the Ward System. The estimated breakdown is 3,006 people in each of four wards but that the election districts are making it difficult. He announced the Danny Mulvey Foundation Corn hole on October 8th at the SLPAC. Councilman Holdridge decided to postpone further discussion on the Ethics Code until Councilman Ardisana is present. He said he met with the DOT representative to see if they can pave the 17M bridge. They offered the possibility of extending the roadwork planned for the spring to cross over Kings Highway. He suggested the Town Board complain to the next elected Assemblyman and Senator to provide funding for this type of project. Councilman Courtenay asked if Councilman Holdridge could arrange a meeting with Senator Skoufis to discuss this ongoing issue.

ADJOURNMENT

ON A MOTION OFFERED BY Councilwoman Smith and second by Councilman Courtenay to adjourn the meeting at 8:20pm, there being no further business brought before the Board.

VOTE: AYES (4): Valentine, Courtenay, Holdridge, Smith, ABSENT: Ardisana

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2022-09-28