

**TOWN BOARD MEETING
January 24, 2024
7:00 PM**

Supervisor Holdridge opened the meeting at 7:00pm.

Attendance Rollcall:

Supervisor Holdridge	Present <u>x</u> _____	Absent _____
Council Member Ardisana	Present <u>x</u> _____	Absent _____
Council Member Becker	Present <u>x</u> _____	Absent _____
Council Member Courtenay	Present <u>x</u> _____	Absent _____
Council Member Dysinger	Present _____	Absent <u>x</u> _____

Determination of Quorum: Yes X No

Also present: Elizabeth Cassidy, Esq.

Pledge of Allegiance

PUBLIC HEARING - INTRODUCTORY LOCAL LAW NO. 8 OF 2023 -A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTI-FAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS

Attorney Cassidy explained that on December 13, 2023 a resolution was adopted by the Town Board classifying the action as a Type I, when in fact, it should have been a Type II and therefore not subject to SEQRA review.

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to adopt the following Resolution:

**TOWN OF CHESTER
TOWN BOARD
RESOLUTION TO RECLASSIFY THE PROPOSED BUILDING MORATORIUM
AS A TYPE II ACTION PURSUANT TO SEQR**

WHEREAS, the Town Board of the Town of Chester introduced a local law to enact a building moratorium on December 13, 2023; and

WHEREAS, the action was classified as a Type I action; and

WHEREAS, development moratoria are specifically classified as a Type II action pursuant to 6 NYCRR 617.5 (c) (36) and not subject to SEQR Review.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby classifies the proposed action as a type II action under SEQR and directs the Town Clerk to notify all interested and involved agencies of the same.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Ardisana	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Becker	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Courtenay	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Dysinger	Yes _____	No _____	Abstain _____	Absent <u>X</u>

ADOPTED

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to open the Public Hearing on the matter of Introductory Local Law No. 8 Of 2023 - A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals for Residential Development Consisting of Five (5) Or More Residential Lots or Multi-Family or Multi-Unit Dwellings Containing Five (5) Or More Dwelling Units at 7:10pm.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Ardisana	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Becker	Yes _____	No _____	Abstain <u>X</u>	Absent _____
Council Member Courtenay	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Dysinger	Yes _____	No _____	Abstain _____	Absent <u>X</u>

ADOPTED

Town Clerk Zappala confirmed the publication of the Public Hearing Notice in the Times Herald Records on December 21, 2023, January 3, 2024 and January 19, 2024 which appears below in its entirety.

TOWN OF CHESTER
 1786 KINGS HIGHWAY
 CHESTER, NY 10918

NOTICE OF PUBLIC HEARING

INTRODUCTORY LOCAL LAW NO. 8 OF 2023

A LOCAL LAW INSTITUTING A MORATORIUM ON CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENT CONSISTING OF FIVE (5) OR MORE RESIDENTIAL LOTS OR MULTI-FAMILY OR MULTI-UNIT DWELLINGS CONTAINING FIVE (5) OR MORE DWELLING UNITS

Please take notice that the Town Board of the Town of Chester will hold a public hearing on Wednesday, January 24, 2024 at 7 PM in the Town Hall Meeting Room, 1786 Kings Highway, Chester, NY. Said public hearing is to hear comments on the above captioned proposed local law.

Section 1. Purpose and Intent

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Chester and to maintain the *status quo* of certain residential development in the Town of Chester that consist of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. This Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town’s recently adopted Comprehensive Plan. The moratorium shall be for a period of six (6) months, which is considered to be adequate time to consider such zoning regulations and amendments.

A copy of the proposed local law is on file in the Town Clerk’s Office and is available for inspection during normal business hours (Monday-Friday, 8 am to 5 pm).

Any person interested in the proposed local law 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: DECEMBER 14, 2023

Supervisor Holdridge opened the floor to comments.

The BDR Group, LLC submitted the following written comments into the record.

WHITEMAN
OSTERMAN
& **HANNA** LLP

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January 24, 2024

VIA EMAIL & HAND DELIVERY

Honorable Brandon Holdridge, Supervisor
Members of the Town Board
Town of Chester
1786 Kings Highway
Chester, NY 10918

**Re: *Proposed Moratorium– Public Comment
Baroda Subdivision***

Dear Supervisor Holdridge and Members of the Town Board:

This firm represents BDR Group, LLC (the “Applicant”) in its proposed residential subdivision application for property located on Black Meadow Road (SBL: 12-1-31) (the “Project”). The purpose of this letter is to provide comment on the proposed local law entitled “Introductory Local Law No. 8 of 2023, a Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy And Approvals For Residential Development Consisting of Five (5) or More Residential Lots or Multi-Family or Multi-Unit Dwellings Containing Five (5) or More Dwelling Units” (the “Proposed Moratorium”), and respectfully request that the Town Board consider revisions to the Proposed Moratorium to exclude residential subdivision applications currently pending before the Planning Board and/or to include the Project as one of the properties specifically exempt from the Proposed Moratorium. Adoption of the Proposed Moratorium in its current form will prevent approval of the Applicant’s long-pending subdivision application and strip its ability to make a reasonable return on its investment, an effort and investment that was made entirely in reliance on the Town of Chester’s existing Zoning Code (the “Zoning Code”) and the Town’s 2015 comprehensive plan (the “Comprehensive Plan”) that was previously the subject of review and updating during the prior moratorium in 2016.

Project Background

The Project includes a 28-lot residential subdivision proposed as a cluster development off of Black Meadow Road in the AR-3 Zoning District. Cluster subdivisions are explicitly permitted in the AR-3 District. The Comprehensive Plan explicitly encourages the utilization “of cluster development as a means to enhance the natural environment and preserve prime farmland and open space.” Comp. Plan, 110. The Applicant’s cluster subdivision design will conserve 124 acres of open space for the benefit of Town residents, while incorporating a flexible design for residential development.

The Project was first presented to the Planning Board in 2010 as a 31-lot conventional subdivision. In 2014, the Applicant submitted a new sketch plan for a cluster subdivision to the Planning Board which included a yield plan and cluster plan for 29 lots including additional conserved land that encompassed both federal and state wetlands. The Applicant worked closely with the Planning Board and its consultants to develop a viable cluster subdivision plan that fit the needs of the Town. On July 1, 2015, the Planning Board determined the sketch yield plan and cluster plan fulfilled the requirements for a clustered subdivision plan. Subsequently, the Applicant was advised to submit a formal preliminary subdivision application.

In April 2015, the Applicant applied for preliminary subdivision approval. In May 2016, after performing soils testing overseen by the Town Engineer, the Planning Board granted conceptual approval of the preliminary subdivision sketch plan and the Planning Board declared its intent to be lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”). By November 2016, the Applicant submitted an updated application, a SEQRA Long Environmental Assessment Form, and preliminary subdivision plans addressing comments from the Planning Board, Building Inspector and the Town’s consultants. Shortly thereafter, the Town enacted a residential development moratorium (the “2016 Moratorium”) affecting the Project review, which did not end until November 2017.

The 2016 Moratorium was nearly identical to the Proposed Moratorium. Its premised intent was to review “certain residential development in the Town that consisted of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units.” 2016 Moratorium, § 3.

The Town’s identified concern was that certain areas in the Town were “unsuitable or incompatible with the goals and objectives cited in the 2015 Comprehensive Plan” and would result in “materially adverse and irreversible impacts to the Town.” 2016 Moratorium, § 2. As a result of its extensive review, the Town made significant changes to its zoning code. Importantly, however, the Town Board determined that no changes were required with respect to the zoning district for the Property and the cluster development provisions in the Zoning Code being relied upon by the Project.¹ As a result, the Town Board effectively determined that the Project was consistent with the existing Zoning Code and Comprehensive Plan. The Applicant thereafter continued the review process before the Planning Board without having to make changes to satisfy any changed zoning regulations.

After the completion of the 2016 Moratorium, the Planning Board activated its review of the Project again and a public hearing was scheduled for March 2018. Both March Planning Board meetings were cancelled, and the public hearing was subsequently opened and closed at the April 4, 2018 meeting. For the remainder of 2018, plan revisions were made based on Town and public

¹ See Table of Zoning Map Amendments 98 Attachment 1, which demonstrates that there were no changes to the R-3 Zoning District or cluster development regulations in §98-25.comments. At the request of the Planning Board, a visual analysis consultant and an archeologist were retained to complete additional studies to support the SEQRA review. In the summer and fall of 2019, a Phase I archeological report was completed on the Property, analyzing approximately 420 excavation points. The report was submitted to the State Historic Preservation Office (“SHPO”) and a final no impact determination by SHPO was received on February 28, 2020. However, the COVID pandemic brought a pause to further progress on the Project.

In January 2023, the Applicant re-submitted a revised cluster subdivision plan that reduced the number of lots from 29 lots to 28 based on the delineation of ACOE and NYSDEC wetlands. See September 2023 Planning Board Submission. The Applicant appeared before the Planning Board on October 1, 2023. In response, the Applicant received what it understood to be final set of comments from the Town’s consultants in November and December 2023. On December 21, 2023, the Applicant submitted a revised cluster and yield plan and a response to comments, including with the following updated studies: (1) Visual Analysis, (2) Updated Endangered Species Report, (3) Percolation and Soil Testing Location Map and Results, (4) Archeological Report, and (5) Updated Federal and State Wetlands Map. The updated studies and materials demonstrated there were no substantial changes to the Project since it was reviewed by the Planning Board at the 2018 public hearing. The overall cluster subdivision development and the configuration of roads and utilities for the Project have not changed since 2018.

Despite the timely filing of the requested materials and responses for consideration at the Planning Board’s January 3, 2024 meeting, the Planning Board refused to consider the submission and failed to place the Project on the

January 3, 2024 agenda for preliminary subdivision approval. During the meeting, the Planning Board discussed the Town Board's proposed moratorium and its effect on the Project. Chairman Serotta mentioned that he spoke with the Applicant's Engineering Consultant and advised him that the Project would not be reviewed further by the Planning Board while a moratorium is being considered. The Chairman also confirmed that no one on the Planning Board reviewed the Project's December 21, 2023 submission. The Chairman made it very clear that further review of the Project would have been a waste of the Planning Board's time if the Town Board's moratorium is eventually adopted. Letters to the Planning Board are attached hereto. However, had the Planning Board carried out its obligations to review the Project, it is likely that a preliminary subdivision plat would have been approved and the Project may have been exempted from the moratorium under the current text of the local law (Section § 3(A)).

The Town Should Amend the Moratorium

As demonstrated by the Project's long history of Planning Board review, the Applicant has invested significant time and resources in reliance on the existing Zoning Code. It has already endured the 2016 Moratorium where the Town Board found no reason to amend the Comprehensive Plan or zoning code in light of this pending Project, effectively concluding that the proposed Project was suitable and compatible with the goals and objectives of the 2015 Comprehensive Plan and would not result in materially adverse and irreversible impacts to the Town. Moreover, no supportable reason was provided by the Planning Board to disregard its obligation to consider the Project and issue preliminary subdivision plat approval prior to adoption of any moratorium. The Applicant diligently responded to all of the Planning Board's comments and requests, which should warrant preliminary plat approval.

The Proposed Moratorium purports to apply solely to residential development that consists of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units. The Proposed Moratorium prohibits the consideration of any building permit, certificate of occupancy, site plan approval, special use permit, or subdivision approval or any other municipal approval for any residential subdivision. However, §3(A) of the Proposed Moratorium it states no new applications may be accepted or granted for residential development consisting of five (5) or more residential lots or Multifamily or Multi-Unit dwellings containing five (5) or more dwelling units, *other than* Projects with approved and *signed site plans, subdivisions plats*, conditional final approval or issued building permits, prior to this enactment, are exempt from the moratorium." See Proposed Moratorium, §3(A)

As mentioned before, if the Planning Board would have carried out its obligation to review the Project at the January 3, 2024 Planning Board meeting, preliminary plat approval would likely have been granted and the Project may have been exempted from review according to § 3(A) of the Proposed Moratorium. However, the unreasonable delay and bad faith efforts of the Planning Board can be rectified through appropriate amendment of the Proposed Moratorium.

Based on the support below, we respectfully request that the Town Board reject the adoption of the Proposed Moratorium. Alternatively, we request that the Proposed Moratorium be modified to explicitly exempt the Project and/or that the Proposed Moratorium be modified to exempt any project that has been before the Planning Board for more than six (6) months.

I. The Moratorium Violates New York Law and Must Be Amended or Rejected.

It is settled New York law that a moratorium may only be enacted in response to a "genuine crisis or dire necessity." See *Cellular Tel. Co. v. Vil. of Tarrytown*, 209 AD2d 57, 66-67 (2d Dep't 1995) (holding that a moratorium is invalid if not adopted for the proper and reasonable purpose of responding to a genuine crisis or dire necessity."); See also *Caruso v. Town of Oyster Bay*, 172 Misc 2d 93 (Sup. Ct. 1997), *aff'd as mod.*, 250 AD2d 639 (2d Dep't 1998) (same); *Jeffrey v. Ryan*, 37 Misc 3d 1204(A) (Sup Ct 2012) (same). The only legitimate basis for adoption of a moratorium is in response to an emergency or crisis while a local law amending a locality's comprehensive plan or land use laws has been proposed for adoption. See *Charles v. Diamond*, 41 N.Y.2d 318 (1977) (holding that "we established a three-pronged test for measuring whether necessity limits have been exceeded. To justify interference with the beneficial enjoyment of property the municipality must establish that it has acted in response to a dire necessity, that its action is reasonably calculated to alleviate or prevent the crisis condition, and that it is presently taking steps to rectify the problem."); See also *Belle Harbor Realty Corp. v. Kerr*, 35 N.Y.2d 507 (1974) (holding that, "[w]hile we have consistently recognized the right of a municipality pursuant to its police powers to prevent conditions dangerous to public health and welfare ... we have also insisted that any such restrictions or limitations must be kept 'within the limits of necessity'"); *Matter of MHC Greenwood Vil. NY, LLC v.*

County of Suffolk, 58 A.D.3d 735 (2d Dept 2009) (same); *see also Cellular Tel. Co. v. Vil. of Tarrytown*, 209 A.D.2d 57, 66-67 (2d Dep't 1995) (the Court held that speculative and unfounded reasons for a moratorium are not enough to support the adoption of a moratorium.)

The Applicant is unaware of any residential development pressure or other circumstance in the Town that may be considered a "genuine crisis or dire necessity" supporting enactment of a moratorium on *only* residential development consisting of five (5) or more residential lots. *See Cellular Tel. Co. v. Vil. of Tarrytown*, 209 AD2d 57, 66-67 (2d Dep't 1995). Any contention that the current Zoning Code is incapable of protecting the Town from inappropriate development is completely unfounded. The Proposed Moratorium contains no reference to a looming crisis, necessity, or any other rationale supporting the Proposed Moratorium. It merely provides a blanket statement that "there is the potential that certain primary residential uses could be located in areas within the Town which would be unsuitable or incompatible with the goals and objectives cited in the 2024 Comprehensive Plan." Proposed Moratorium § 2(A). However, a 2024 Comprehensive Plan has not yet been presented, let alone adopted. Moreover, there is nothing in the Town record to indicate that the most recent 2016 amendments to the Town's Comprehensive Plan and Zoning Code, that were also expressly intended to address these very same concerns, have been ineffective requiring yet further modification. Accordingly, without sufficient basis for its adoption, we respectfully request that the Proposed Moratorium be rejected.

Absent full rejection, we alternatively request that the Proposed Moratorium be amended to explicitly exclude the Project. Currently, the Proposed Moratorium exempts only four (4) projects: Hills of Chester; Ridgeview Estates, Chesterdale, and Woodridge (the "Exempted Projects"). The Town is well aware of the Project history as described above. The Project was already subject to the 2016 moratorium and the Town Board found no reason to amend the Comprehensive Plan or zoning code in light of this pending Project, effectively concluding that the proposed Project was found to suitable and compatible with the goals and objectives cited in the 2015 Comprehensive Plan. Accordingly, we respectfully request the Town Board include the Project as one the projects expressly exempted under the Proposed Moratorium and/or that the Proposed Moratorium be amended to generally exempt Projects that have been active before the Planning Board for more than 6 months.

II. The Proposed Moratorium is being pursued in bad faith.

A moratorium cannot be adopted in bad faith to prohibit a specific project that would otherwise be permitted. *See Hamptons, LLC v. Rickenbach*, 98 A.D.3d 736 (2d Dep't 2012) (holding that a local law adopted in bad faith to only prohibit the proposed project, which would otherwise be permitted, is inapplicable and would vest the developer's rights at that moment.). The only possible justification for the Proposed Moratorium appears to be an impermissible one: to unlawfully block and indefinitely delay certain projects that the Town opposes. *See Bloomingburg Jewish Educ. Ctr. v. Vill. of Bloomingburg, N.Y.*, 111 F. Supp. 3d 459, 488 (S.D.N.Y. 2015).

The Town has been aware of the Project for years and the Applicant has demonstrated that no significant changes were made to the proposed cluster and yield plans that were before the Planning Board since 2018. The Town reviewed the exact same residential development under the 2016 Moratorium and did not believe that any changes needed to be made to the cluster development regulations that govern the Project. Given the length of time this Project has been before the Town together with the Town's apparent acquiescence in 2016, there is no reason to include this Project in the Moratorium and doing so appears to be made in bad faith.

III. The Town Board's Proposed Moratorium references a "2024 Comprehensive Plan" that has yet to be adopted.

In the Proposed Moratorium § 1, it states "[t]his Local Law will allow the Town Board a reasonable opportunity to complete its comprehensive zoning review, including the adoption of zoning regulations consistent with the Town's recently adopted Comprehensive Plan." As mentioned above, the most recent Comprehensive Plan was adopted prior to the 2016 Moratorium in 2015. Here, the Proposed Moratorium's reference to a 2024 Comprehensive Plan that does not yet exist appears premature. It is, therefore, irrational now for the Town to adopt the Proposed Moratorium where it lacks clear guidance from a "recently adopted Comprehensive Plan." Moreover, consistent with New York law, it would be prudent for the Town to first consider the need to amend its Comprehensive Plan and only then consider the need for a moratorium with a clear purpose to incorporate necessary changes that adhere to the Comprehensive Plan. Without such forethought, it seems as if the Town's improper intent is to prevent all development while it searches for a reason to do so. The Town has a current Comprehensive Plan and Zoning Code that is consistent therewith. Any development project, including the Applicant's Project, that meets these current standards should not unnecessarily be stopped from moving

forward.

Moreover, in the event the reference to the 2024 Comprehensive Plan was a mere clerical mistake, and the Proposed Moratorium meant to refer to the 2015 Comprehensive Plan, the Applicant already demonstrated time and again that it is consistent with the goals and purpose of the 2015 Comprehensive Plan with the concurrence of the Planning Board. Therefore, for these reasons, the Proposed Moratorium is improper, especially as applied to the Project.

IV. The Town Board must provide a valid waiver/variance provision from the Proposed Moratorium or it will amount to a Taking under the Fifth and Fourteenth Amendments to the U.S. Constitution.

In § 6 of the Proposed Moratorium, the Town Board states that “Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability.” Thus, there is no formal procedure outlined in the Proposed Moratorium for pursuing a waiver or variance. For the following reasons, such omission is contrary to the Takings Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution and will violate our client’s due process rights.

A moratorium cannot deprive an owner of all beneficial economic use of its property. *See* U.S. Const. amend. V, XIV. An applicant must be given the opportunity by a municipality to procedural and substantive due process either by waiver or variance to obtain relief from a moratorium. *See* N.Y. State Division of Local Gov’t Services, LAND USE MORATORIA (reprinted 2023). A moratorium should include a mechanism allowing affected landowners to apply to a local board for relief from its restrictions, or it should contain a clear reference to the fact that an owner may make use of the existing variance procedures under the current zoning regulations. *Id.* In the case *Held v. Giuliano*, 46 A.D.2d 558 (3d Dep’t 1975), the Appellate Division held that applications for variances from an interim zoning ordinance must meet the same statutory standards for variances as though the interim zoning was permanent.

The Town must offer a waiver/variance opportunity for applicants to seek relief from the Proposed Moratorium, as well as a procedure for seeking such relief. The lack of a waiver/variance provision shows that the intentions of the Town are meant to stop all unexempted projects that fall under the Proposed Moratorium, without any opportunity for relief otherwise. The proffered rationale that the Moratorium is for a limited duration provides no legitimate justification for violating these property rights. Moreover, such explanation clearly disregards the provision for extending for full year. There is no statutory precedent that supports preclusion of a waiver/variance from a moratorium due to its short duration. Regardless of whether the Proposed Moratorium lasts for 6 months or one year, it must provide a waiver/variance provision allowing applicants to seek such relief.

Further, municipalities are required to approve a waiver/variance if an applicant can demonstrate that it has experienced “extraordinary hardship”, and review of the project will not result adversely impact health, safety, and general welfare of town, and would not substantially undermine land-use plan and revision process should be granted a variance from the moratorium. *See Montgomery Group v. Town of Montgomery*, 4 A.D.3d 458 (2d Dep’t 2004). Based on the years of review before the Planning Board, if the Proposed Moratorium were to take effect and prevent review of the Project, it would result in extraordinary hardship to the Applicant. As demonstrated in the procedural history, it is clear the Applicant has significant time and expense on studies and materials for the Project. If the Project were to become unpermitted, it will result in substantial financial hardship to the Applicant.

Accordingly, the Town Board must revise the Proposed Moratorium to add a valid waiver/variance provision.

V. The Town Board’s Proposed Moratorium will likely violate New York’s vested rights law.

The Proposed Moratorium is also flawed for the following reason. Section 3 of the Proposed Moratorium violates New York’s vested rights laws by restricting the approval of building permits and certificates of occupancy for residential projects if an owner has already undergone substantial construction and incurs substantial expense, in good-faith reliance on a permit.

In New York, development rights vest “where the owner does substantial construction and incurs substantial expense, in good-faith reliance on a permit.” *Waterways Dev. Corp. v. Town of*

Brookhaven Zoning Bd. of Appeals, 126 A.D.3d 708, 711 (2d Dep’t 2015). In *Town of Orangetown v. Magee*, the Court of Appeals, the highest court in New York, held that “a vested right can be acquired when, pursuant to a legally issued permit, the landowner demonstrates a commitment to the purpose for which the permit was granted by effecting substantial changes and incurring substantial expenses to further the development”. 88 NY2d 41 (1996).

Furthermore, New York courts have also applied a “special facts” exception to the vested rights doctrine where an applicant has demonstrated an adequate “degree of detrimental reliance which would serve to support his claim that he has acquired vested rights...” *Ronsvalle v. Totman*, 303 A.D.2d 897 (3d Dep’t 2003). “[W]hen a zoning law has been amended after the submission of an application ..., but before a decision is rendered thereon by the reviewing agency, the courts are bound to apply the law as amended unless ‘special facts’ indicate that the [reviewing agency] acted in bad faith and unduly delayed acting upon the application while the zoning law was changed.” *Casey v. Town of Arietta Zoning Board of Appeals*, 169 A.D.3d 1231, 1236 (3d Dep’t 2019) quoting *Ronsvalle v. Totman*, 303 A.D.2d 897 (3d Dep’t 2003).

As noted above, this Project has been before the Planning Board for over a decade. If the Planning Board met its obligatory requirements to continue review of the Project at the January 3, 2024 Planning Board Meeting, it would have likely granted preliminary plat approval and the Project may have been exempted from review according to § 3(A) of the Proposed Moratorium. However, the Planning Board’s unjustified delay under the guise of the Proposed Moratorium violates the Applicant’s vested rights. As such, the Town is required to adhere to the Zoning Code in effect at the time the Proposed Moratorium is adopted. Accordingly, since the Applicant is entitled to review under the current Zoning Code, it should be expressly exempted from the Proposed Moratorium.

Conclusion

Based on the foregoing and given the fact that the Proposed Moratorium lacks a demonstrated dire necessity or emergency crisis, we contend that the Proposed Moratorium would be unlawful, arbitrary and capricious. Accordingly, we respectfully request that the Proposed Moratorium be rejected. Alternatively, we request that the Proposed Moratorium be modified to explicitly exempt the Project and/or that the Proposed Moratorium be modified to exempt any project that has been before the Planning Board for more than six (6) months. Finally, we request that the Proposed Moratorium be amended to include a waiver/variance provision.

Respectfully submitted, Dominique G. Albano

Attorney Cassidy explained that there are some issues with the wording as specified by the former Town Attorney that is inconsistent with the status of the Comprehensive Plan update and as a result the public hearing should be held over. A work session is to be scheduled with the Planning Board at which time Introductory Local Law No. 8 of 2023 would be revised and allow for additional comments.

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to hold open the Public Hearing on the matter of Introductory Local Law No. 8 Of 2023 - A Local Law Instituting a Moratorium on Certain Permits, Certificates of Occupancy and Approvals for Residential Development Consisting of Five (5) Or More Residential Lots or Multi-Family or Multi-Unit Dwellings Containing Five (5) Or More Dwelling Units.

VOTE: AYES (4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

ACCEPTANCE OF MEETING MINUTES

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to accept the Minutes of the Town Board Meeting of January 3, 2024 as presented by Town Clerk Zappala.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to accept the Minutes of the Town Board Meeting of January 10, 2024 as presented by Town Clerk Zappala.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Ardisana	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Becker	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Courtenay	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Dysinger	Yes _____	No _____	Abstain _____	Absent <u>X</u>

ADOPTED

TOWN REPORTS/ANNOUNCEMENTS/COMMENTS

Council Member Courtenay said he would have an update on the Sugar Loaf Performing Arts Center at the next meeting.

Council Member Ardisana had nothing to report.

Council Member Becker reported that after reviewing the past history that has taken place to establish a new source of water supply to replace the existing permitted well #- 3 we have run into complications with the new well 1A. The previously permitted wells were both permitted for 100 GPM and after testing it has been determined, the new well will only produce 60 GPM. After considering this and consulting with John Queenan from Lanc and Tully and Tom Cusack from WSP, it would be in our best interest at this time to reopen the number 3 well. This would also include having a step test done to confirm that the water producing veins where not plugged during the well closing process and will still produce the desired amount of water needed. After it has been confirmed that well number 3 will produce the 100 GPM we would tie it back into the system, update the part 5 sanitary code testing and put the well back into service to have our back -up well back online. It is still an option to continue on with the DEC permitting process if we can determine through testing that we can run well # 3 and #1A together with minimal influence on each other.

Building Department

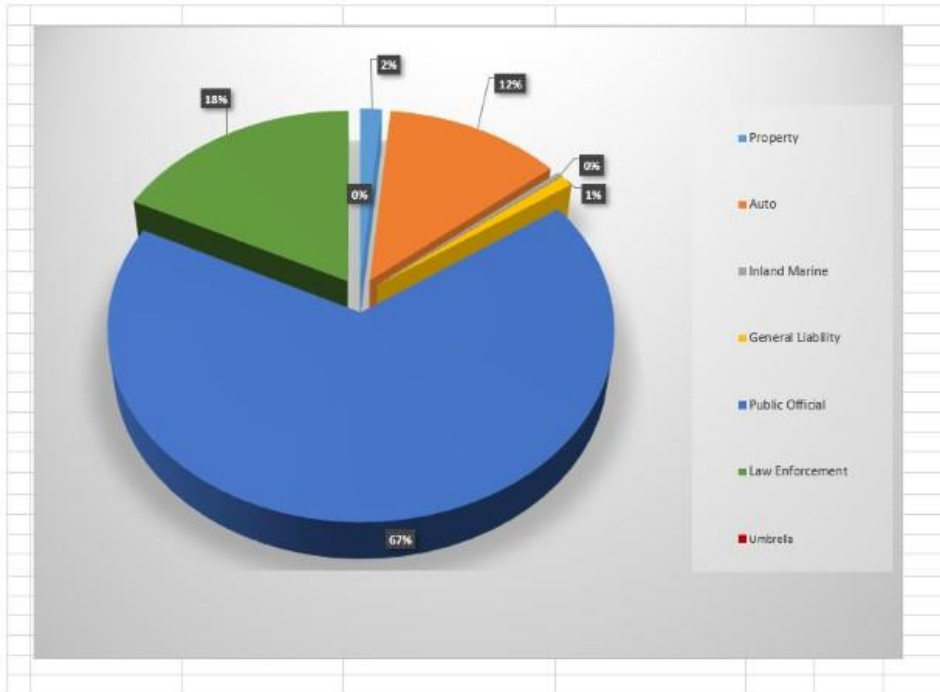
Michele Deshler reported 439 expired Building Permits. To date, 74 letters have been sent out. Currently staff is working with the owners and the Engineer is offering suggestions. Supervisor Holdridge said they are all working hard to get things in order and he thanked Michele and Melissa for their hard work.

Insurance Policy Renewal Breakdown

Supervisor Holdridge presented the following loss schedule and pie chart depicting the percentage of liability losses for the period 2019-2023, along with a recap of the insurance policy renewal process.

6-Year Claims Analysis																										
#	Policy Year	Claims Frequency (# of Claims)	Claims Severity (Total Incurred)	Average Cost Per Claim	Annual Premium (Estimated)	Loss Ratio Per Year	Carrier	5 Year Loss Ratio																		
1	1/1/2013-1/1/2014	4	\$6,877.74	\$ 1,719.44	\$176,000.00	3.91%	HCC																			
2	1/1/2014-1/1/2015	5	\$109,213.08	\$ 21,842.62	\$176,000.00	62.05%	HCC																			
3	1/1/2015-1/1/2016	3	\$6,414.74	\$ 2,171.92	\$176,000.00	3.70%	HCC																			
4	1/1/2016-1/1/2017	6	\$1,609.50	\$ 268.25	\$176,000.00	0.91%	Allied World																			
5	1/1/2017-1/1/2018	6	\$5,474.54	\$ 912.43	\$176,000.00	3.11%	Allied World																			
6	1/1/2018-1/1/2019	9	\$3,687.34	\$ 409.70	\$176,000.00	2.10%	Allied World																			
7	1/1/2019-1/1/2020	23	\$936,481.33	\$ 40,716.58	\$176,000.00	532.09%	Allied World	532.09%																		
8	1/1/2020-1/1/2021	8	\$397,872.00	\$ 49,734.00	\$223,000.00	178.42%	Zurich	178.42%																		
9	1/1/2021-1/1/2022	6	\$0.00	\$ -	\$235,000.00	0.00%	HCC	0.00%																		
10	1/1/2022-1/1/2023	11	\$37,381.60	\$ 3,398.33	\$249,000.00	15.01%	HCC	15.01%																		
11	1/1/2023-1/1/2024	9	\$9,521.02	\$ 1,057.89	\$261,000.00	3.65%	HCC	3.65%																		
Totals For 6-Year Period		90	\$1,514,633.91	\$ 16,829.27	\$1,056,000.00	143.43%		120.74%																		
6-year averages 01/01/2018-01/01/2024: 11 claims per year. \$230,823.88 average payout per year. \$20,983.99 average cost per claim. Actual 6 - year loss ratio of 104.92% Total Claims for the 6 year period are: \$1,384,943.29																										
Underwriting Loss Ratio Grades & Explanation: <table border="1"> <thead> <tr> <th>Grade</th> <th>Loss Ratio</th> <th>Explanation</th> </tr> </thead> <tbody> <tr> <td>A:</td> <td>0% - 20%</td> <td>Excellent account performance and most insurance carriers would be very aggressive on pricing.</td> </tr> <tr> <td>B:</td> <td>21% - 30%</td> <td>Good account performance and most carriers would be able to be aggressive on pricing as well.</td> </tr> <tr> <td>C:</td> <td>31% - 40%</td> <td>Most carriers will certainly accommodate writing insurance on this account but not as aggressively as an A and B graded account. Pricing likely to be close to expiring.</td> </tr> <tr> <td>D:</td> <td>41% - 60%</td> <td>Many insurance carriers would likely decline to write coverage unless a specific shock loss was involved or some changes in pattern of losses occurred and/or price increases or deductible increases would make the account more attractive.</td> </tr> <tr> <td>F:</td> <td>61% - 100%</td> <td>Most, if not all, insurance carriers would decline as losses approach 100%. Unless losses are driven by a particular shock loss and/or a special circumstance.</td> </tr> </tbody> </table>									Grade	Loss Ratio	Explanation	A:	0% - 20%	Excellent account performance and most insurance carriers would be very aggressive on pricing.	B:	21% - 30%	Good account performance and most carriers would be able to be aggressive on pricing as well.	C:	31% - 40%	Most carriers will certainly accommodate writing insurance on this account but not as aggressively as an A and B graded account. Pricing likely to be close to expiring.	D:	41% - 60%	Many insurance carriers would likely decline to write coverage unless a specific shock loss was involved or some changes in pattern of losses occurred and/or price increases or deductible increases would make the account more attractive.	F:	61% - 100%	Most, if not all, insurance carriers would decline as losses approach 100%. Unless losses are driven by a particular shock loss and/or a special circumstance.
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Town of Chester 2013-2023: Claims Analysis 6 Year Loss History by Policy



- Total Insurance Cost for the year of 2023 was \$261,475.67
- **9/20/23** - Reiss Group (our Insurance Broker firm) sent Renewal & Other Application Info to the Town Clerk.
- **9/26/23** - The Town Clerk alerted the former Supervisor to the application information necessary for the renewal process.
- **10/24/23** - Reiss Group followed up w/ Town Clerk for renewal application info. The Town Clerk emailed the former Supervisor for the necessary info again.
- **10/31/23** - Reiss Group followed up w/ Town Clerk for renewal application info. The Town Clerk confirmed all the info her office could provide was submitted and emailed the former Supervisor about submitting necessary info again.
- **11/8/23** - Town Board passes budget which includes \$270,000 budgeted for insurance .
- **12/29/23** - Reiss Group met w/ the former Supervisor to inform him of the renewal policy cost for 2024 which was \$403,427.42.
- **1/2/24** - I received info of this renewal policy cost .
- **1/3/24** - Met w/ Reiss Group representatives about the situation. They explained that the cost increase came from the losses incurred by our insurance carriers from the last five years. They usually have the number for us earlier and can provide a good estimate in time for the budget, but their estimate was off this time around and didn't get the actual number until late December. They stated that if they had received the renewal application information earlier in the Fall, they may have gotten the renewal policy cost number sooner. Councilman Courtenay, the Town Clerk, and I directed them to put the policy back out to bid to see if any other carriers would give us a better deal.
- **1/12/24** - Met w/ Reiss Group reps again. No other carriers would take us due to the number of losses we've incurred. The three biggest of which were the gender discrimination lawsuit from 2019, the Greens of Chester Lawsuit from 2019, and the Marie Denardo Wrongful Eviction Lawsuit from 2020 that was recently settled. Our insurance representatives indicated that these were also most likely the reasons that the cost in general went up this year as the claims are "maturing". They anticipate the cost will go back down within the next year as insurance carriers only review the last five years of a client's history when

deciding on cost. The Reiss Group has agreed to decrease their broker's fee from \$52,315.50 to \$30,000, after we communicated our displeasure of the late notice during our 1/3/24 meeting. This brings the total cost down to \$381,111.92. We asked about paying in installments which is unfortunately not an option. We asked about financing which would incur around \$10K in interest over the course which we feel isn't worth it. The best option will be to pay the renewal cost in full, which we luckily have until mid-February to do. Our new Comptroller is hard at work getting the numbers together for the 2024 budget. Once we have that information, we will allocate the necessary funds. I'm informing the public of all of this ahead of time so they know exactly why around \$120,000 of their tax dollars are being pulled from other funds or ARPA funding which could have otherwise been used to improve their quality of life.

- **Future** - We have taken action to bring down costs in the future. We will be establishing a safety committee to review our various department's policies to see if there is room for improvement which will show insurance carriers that we are trying to cut back on accidents and equipment failures. We will be looking into having town employees attending defensive driving courses to accomplish the same goal. For now, we unfortunately are stuck with this increased cost.

Supervisor Holdridge added that the lower deductible was associated with a higher premium of \$575,981 so we chose the higher deductible premium of \$381,000. Council Member Courtenay explained that there was discussion on creating an account where we can accrue money for the higher deductibles and that although not all settlements resulted in payouts there are accrued expense associated in relation to the law suits. Supervisor Holdridge said the Comptroller's office is trying to get a handle on the 2023-2024 finances so we can plan for the future of this unfortunate situation resulting from the losses over the previous last 5 years.

Supervisor Holdridge explained the pie chart depicts liability resting in 67% of losses in public officials, 18% in law enforcement, 12% in auto claims, 2% in property claims, 1% in general liability, -1% from insurance company. Claims severity in 2019-2020 totaled \$936,481 and 2020-2021 totaled \$397,872, resulting in a 532% increase in terms of losses.

IWS Garbage Collection Contract and Yearly Schedule

Supervisor Holdridge said he called IWS to see if renegotiating the staggered-cost contract to a fixed-yearly fee for proper budgeting would be better, but at \$38 per month, it really wasn't feasible. He announced the annual holiday schedule has been posted to the Town's website, but is subject to weather related delays. Coleen Collins asked about charges to condominiums. He replied they are not included in the district.

Summer Camp Info Session

Supervisor Holdridge announced Summer Camp is back. Doing our best, the cost has been brought down from \$225 to \$190 with the fee for out-of-towners dropped as well. He announced a full info session on February 2, 2024 at 7pm at the Senior Center.

Orange County Mobile DMV

Supervisor Holdridge announced the Mobil DMV to be at the Senior Center on February 21, 2024. More information on the Town's website.

Buildings/Grounds, Maintenance Department

- snow removal
- new locks installed on supervisor's door
- new tires and inspection on parks vehicle
- replaced photo cell for outdoor lights at Town Hall
- maintenance on mowing equipment
- repaired fasteners on the flag pole at Town Hall

Account Clerk for Bldgs/Grounds, Maintenance, & SLPAC:

- Standard weekly operations which include but not limited to ...
 - o answering phones, email correspondence with the public and other town departments,
 - o invoicing for SLPAC & Bldgs and Grounds Dept.
 - o dispatching all maintenance request,
 - o ordering supplies for SLPAC & Bldgs & Grounds,
- Attended meetings and organizational sessions with Recreation Dept for camp and other programming.

- Attended meetings with highway dept. to coordinate and plan for weather events.
- Attended events at the SLPAC.
- Scheduling and management of the volunteer usher program for events at the SLPAC.
- Met with 2 companies and gave technicians a tour of town bldgs. in an effort to secure estimates for Pest Control services.
- Kept in contact with CUFSD for weather related closings and sent out multiple forms of notification to families for cancelation of practices based on school closings.
- Arranged for and staffed an adult Rec basketball program on Tuesday evenings in January and February...
- **for more information, please call Kristin 845-469-7000 Ext 102.**
- Gathered information and photos in an effort to find a replacement part for the slide at Carpenter Park.

SLPAC

December 2023 was a full month at the PAC:

- 1) Warwick Dance Nutcracker Shows took place.
 - 2) M'Lanie Hunter Dance Nutcracker & Magical Toy Box Shows.
 - 3) The Sugar Loaf Community Foundation used the SLPAC Parking lot for horse carriage ride turnarounds.
 - 4) NY Division of Criminal Justices used the pavilion for Law Enforcement training.
 - 5) Keller Williams had their annual Christmas Party in the pavilion.
 - 6) We had approx. 400-450 residents attend a FREE concert of Hudson Blue & Ladies of the 80's.
 - 7) Step by Step Dance Studio had their annual Holiday Show.
 - 8) DGM presented The 1224 Band to a sellout crowd.
 - 9) The Sugar Loaf Holiday Festival on Dec 23 had an incredible turnout for horse & buggy rides, pictures with Santa, hot chocolate, movies and more.
 - 10) Acute Inflections sold out show in the pavilion.
 - 11) OC Fire Fighter Graduation took place on Jan 6.
 - 12) DGM presented "Wildflowers" Tom Petty Tribute to a Souled Out Crowd.
 - 13) The Town Comprehensive Plan Meeting took place in the pavilion on Jan 23.
- We received the new stage lighting and are in the process of installing.
 - Worked out snow plowing schedule with Highway Dept.

PUBLIC COMMENTS

Sue Bahren asked if the Town would be accepting scholarships towards the Summer Camp. Supervisor Holdridge replied yes.

Cindy Smith, 195 Greycourt Road, asked the status of the stated improper permits on the fill on Route 94 and with Robert Valentine having improper permits. Supervisor Holdridge said all the information is being reviewed. She asked about the senior programs, event and trips. Michele responded that she is waiting for dates to announce. Ms. Smith offered information from the DEC on low-cost trees and shrubs for sale in quantities of 25-50.

Tracy Shuh, Pickerel Rd., followed up on the DEC outcome of permit approval of the Greens of Chester Phase 1 – 88 lots. She encouraged residents .5 miles from wells to get involved in the well monitoring and mitigation program which is to have offset impacts addressed by a system operator to answer complaints. She suggested the Board ask for consent to be involved as per settlement agreement and the post mitigation plan info on the Town's website.

Richard Logothetis commented on Agenda Item #21 – Zombie Poles. He said there are 6 utility poles on his property that needed to be replaced which have been cut but left with wires. He asked how do you write a law to enforce the removal of utilities. Supervisor Holdridge said the Town would be looking at Walkkill and other Towns to see how we can clean up the community.

Lydia Cuadros, FB, commented that Sugar Loaf Water District back-up well has had e-coli since 2019. She asked the Board to drill new wells that are not subject to contamination. Council Member Becker explained that most of the land in the district is wetlands and DEC frowns upon drilling there. He said the Town will look at other property in the future but the main purpose is to put this well in place as a back-up to cover primary well while we await DEC approval of new well.

PAY BILLS AND BUDGET MODIFICATIONS

Supervisor Holdridge tabled these items as there needs to be a special meeting to pay the bills which have fallen behind. He said the finance department is working hard to get caught up and will be paid before month’s end.

ORANGE COUNTY SHORT PLAY FESTIVAL & PEP PRODUCTIONS EVENTS AT SLPAC

Paul Ellis addressed the Board requesting a fee waiver at the SLPAC for his fundraising events to expand his arts program as it is growing since started 5 years ago, which has supported local artists including 22 actors, 8 playwrights, 4 directors and technicians and 2 designers. He thanked the Board for their previous support and requested use of the theater again this year.

ON A MOTION OFFERED BY Council Member Ardisana and second by Council Member Courtenay to approve the use of the Sugar Loaf Performing Arts Center Pavilion by PEP Productions and waive the fee on August 15, 16, 17 and October 18 and 19, 2024.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Ardisana	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Becker	Yes _____	No _____	Abstain <input checked="" type="checkbox"/>	Absent _____
Council Member Courtenay	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Dysinger	Yes _____	No _____	Abstain _____	Absent <u>X</u>

ADOPTED

MILLENNIUM STRATEGIES CONTRACT

Supervisor Holdridge presented the renewal contract for grant writer, Millennium Strategies and read their correspondence in this regard.

In 2023 we wrote 11 applications and notified the Town about 31 additional opportunities which were not pursued. Applications totaling \$2,512,136 in funding remain undecided at this time. Moving into 2024, we are confident that the Town of Chester is poised to be aggressive in pursuing grant funding and is well suited to develop competitive applications thanks to a clear line of sight into local priorities. Priority projects which are grant fundable include:

- Repair work at a defunct culvert on a Fire District service road, which is actively eroding the roadway around it
- Salaries, management costs, and contractual services required to update the Town’s Comprehensive Plan
- Senior Center Improvements
- New drinking water wells to improve capacity and disinfection at Walton Lakes Estates
- Repairs and improvements to existing parks
- Infiltration and Inflow repairs to Surrey Meadows sewer collection system
- Improvements to recordkeeping systems used by the Town Clerk
- The establishment of Sugarloaf as a formally designated Historic District
- Improvements to Sugarloaf PAC for programming, utilities, and recreational space and sprinklers.

ON A MOTION OFFERED BY Supervisor Holdridge and second by Council Member Becker to approve the agreement with Millennium Strategies for 2024.

DISCUSSION: Council Member Courtenay expressed his disappointment with the results from the grant writer in the past years and thought the \$36,000 could be appropriated elsewhere. Supervisor Holdridge said he expressed the sentiments of the Board with them but is hopeful that things will be done better this year with the improved communication over the last administrations. He added this will be a make-or-break year is we don’t receive more that the cost of the contract. He noted the work with the Fire District sinkhole project that he hopes will be fruitful.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No _____	Abstain _____	Absent _____
Council Member Ardisana	Yes <u>X</u>	No _____	Abstain _____	Absent _____

Council Member Becker Yes X No Abstain Absent
 Council Member Courtenay Yes X No Abstain X Absent
 Council Member Dysinger Yes No Abstain Absent X

ADOPTED

RESOLUTION TO AMEND FEE SCHEDULES

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to amend the fee schedules as follows:

Parks and Recreation Camp Registration Fees (as of 1/24/2024)

<u>Resident</u>	<u>Non-Resident</u>
One Week	One week \$190.00

PARK FEE SCHEDULE AMENDED 1/24/2024

RENTER	PAVILION CARPENTER & COMMONS	CONCESSION CARPENTER & COMMONS	CARPENTER FIELDS	PULVIRENT	TENNIS COURTS	CARPENTER FIELD & COMMONS PARK
Resident	\$100	Inquire	\$75	\$65	TBD	
Non-Resident	\$150	Inquire	\$100	\$90	TBD	
Chester Commercial	1-49 (\$150) 50-99 (\$250) 100-250(\$400)	Inquire	\$100	\$90	TBD	
Non-Chester Commercial	1-49 (\$200) 50-99 (\$350) 100-250(\$500)	Inquire	\$125	\$115	TBD	
Travel (non tournament)	\$100 single use \$50 per use monthly 2+wk	Inquire	\$100 single use \$50 per use monthly 2+wk	\$90 single use \$50 per use monthly 2+wk	TBD	
Local Civic Non-Local Civic	\$50 \$75	Inquire	\$50 \$75	\$50 \$75	TBD	
Rec. League (TOC Approved) CUFSD	N/A	Inquire	N/A	N/A	TBD	
RENTAL TIME	4 hours	Inquire	2 Hours	2 Hours	TBD	
Seasonal Day Camp Rental Rate for Parks						Off hours \$100 p/day (Monday- Friday)

Sugar Loaf Performing Arts Center Fee Schedule 1/24/2024

<u>Theater</u>					
	<u>Rental Fee</u>	<u>Utility</u>	<u>Restoration Fee</u>	<u>Lighting Person</u>	<u>Sound Person</u>
Weekday/Night 8-hour rental	\$2,500/8 hrs	N/A	*3.00 Per Ticket	TBD	TBD
Weekend 8 hour rental	\$2,500/8 hrs	N/A	*3.00 Per Ticket	TBD	TBD
If you rent the theater for the 8 hour period you can request the use of pavilion (if available) for an additional \$250.00. \$250.00 per hour overtime. **Local Dance Schools exempt from Restoration Fee.					
<u>Pavilion</u>					
	<u>Rental Fee</u>	<u>Utility</u>	<u>Restoration Fee</u>	<u>Lighting Person</u>	<u>Sound Person</u>
Weekday/Night 4-hour rental	\$750/4 hrs	N/A	\$1.00 per Ticket sold	TBD	TBD
Weekend 4-hour rental	\$750/4 hrs	N/A	\$1.00 per Ticket sold	TBD	TBD
\$125.00 Per hour overtime.					
<u>Big Lawn</u>					
	<u>Rental Fee</u>	<u>Utility</u>	<u>Restoration Fee</u>	<u>Lighting Person</u>	<u>Sound Person</u>
Weekday	\$500	N/A	N/A	N/A	N/A
Weekend	\$500	N/A	N/A	N/A	N/A

** Lawn Rental does not include inside bathrooms or access to the Main Theater or Pavilion.

** Building/Theater will not be open during event.

** Fee Subject to Change**

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

APPOINTMENTS

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to appoint Melissa Foote as Planning Board/Zoning Board of Appeals Secretary.

VOTE AYES(4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to appoint Lanc & Tully as Engineer to the Town and Planning Board.

DISCUSSION: Supervisor Holdridge explained their contract is based on hourly rates, with out a retainer of \$80,000 as what was the previous engineer’s contract.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Courtenay to appoint John Hand as Assistant Building Inspector III, effective February 1, 2024.

DISCUSSION: Supervisor Holdridge explained John Hand has roots in Chester and plans on moving here once he purchases a home. He is currently with Cornwall and has worked with other Towns as well. The Board conducted interviews with 4 other candidates but he possesses civil service designation as Asst. Building Inspector and after probation should be promoted to Building Inspector.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

POST FOR PART-TIME BOOKKEEPER POSITION

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to direct Town Clerk Zap-pala to post for the position of Part-time Bookkeeper.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

ACCEPT LABOR ATTORNEY PROPOSAL

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to accept the proposal submitted by labor attorneys Thomas, Drohan, Waxman, Petigrow & Mayle LLP.

DISCUSSION: Supervisor Holdridge explained there were 4 or 5 firms that submitted proposals. This firm was the cheapest at \$235 p/hour compared to the previous of \$250 p/hour and other submitted at \$255, \$275 and \$450-\$500. They also came recommended.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

WATER DEPARTMENT PURCHASE

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Courtenay to approve the purchase of a PH/CL2 monitoring system for Walton Lake Estates Water District at a cost of \$5,462.

DISCUSSION: Council Member Becker explained the system allows alarm off of the PH meter to react to the plant. The only other quote available was from Hach for \$10,113.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

RESOLUTION TO REDUCE SPEED LIMIT ON KINGS HIGHWAY

TOWN OF CHESTER

A RESOLUTION TO REDUCE THE SPEED LIMIT ON KINGS HIGHWAY FROM THE INTERSECTION OF COUNTY ROUTE 13A (KINGS HIGHWAY BYPASS) THROUGH THE SUGAR LOAF HAMLET CONTINUED TO COUNTY ROUTE 82 (BELLVALE RD.) PURSUANT TO N.Y.S. VEHICLE AND TRAFFIC LAW 1620.

JANUARY 24, 2024

TITLE: A resolution to request a reduction in the speed limit and create a local law from the County of Orange and the New York State Department of Transportation.

At a meeting of the Town Board of the Town of Chester, Orange County, New York, held at the Town Hall, 1786 Kings Highway, Chester, New York, on the 24th day of January, 2024, at 7:00 P.M. prevailing time:

The meeting was called to order by Supervisor Holdridge and upon roll being called the following were:

PRESENT: Antonio Ardisana, Council Member
Tom Becker, Council Member
Robert Courtenay, Council Member

ABSENT: Larry Dysinger, Council Member

The following resolution was offered by Council Member Courtenay, who moved its adoption, seconded by Council Member Ardisana, to wit:

WHEREAS, the Town Board of the Town of Chester has received concerns about the speed limit within the Hamlet of Sugar Loaf; and

WHEREAS, the residents and business owners have voiced concerns over vehicles and commercial vehicles not abiding by the posted 30 MPH speed limit causing a public safety issue; and

WHEREAS, the speed limit on Kings Highway in said area is 30 MPH. The Police Department and Highway Department request to reduce that maximum speed to 25 MPH; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Board of the Town of Chester, request that the Town Clerk of the Town of Chester send a certified copy of this resolution to the County of Orange for review and for approval and submission to the New York State Department of Transportation.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

Dated: January 24, 2024

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

WEIGHT LIMIT AMENDMENT – KINGS HIGHWAY

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to direct the Town Attorney to draft a local law amendment on weight limit for Kings Highway, between the Bypass and Bellvale Road with exception for local delivery.

VOTE: AYES(4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

ETHICS CODE AMENDMENT

ON A MOTION OFFERED BY Supervisor Holdridge and second by Council Member Courtenay to direct the Town Attorney to draft a local law amendment on Ethics Code.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

REMOVAL OF ZOMBIE POLES

ON A MOTION OFFERED BY Council Member Ardisana and second by Supervisor Holdridge to direct the Town Attorney to draft a local law for the removal of zombie poles.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

APPOINTMENT – MOODNA CREEK WATERSHED COUNCIL

ON A MOTION OFFERED BY Council Member Ardisana and second by Council Member Courtenay to appoint Council Member Becker and Council Member Courtenay to the Moodna Creek Watershed Council.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

DASNY GRANT DOCUMENT AUTHORIZATION

ON A MOTION OFFERED BY Supervisor Holdridge and second by Council Member Courtenay to authorize Supervisor Holdridge and Deputy Supervisor Becker to sign documents for \$130,000 DASNY grant awarded in 2022 through Senator Skoufis.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

FEE WAIVER REQUEST – SLPAC

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to approve the fee waiver for the Orange County chamber of commerce for the “Meet your Elected Officials” event at the Sugar Loaf Performing Arts Center on February 8, 2024.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

CONSULTANT SERVICES

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to approve the consultant services of Sharon Conklin for the purpose of bank reconciliations at a rate of \$46.21 p/hour.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

EDUCATION REQUEST

ON A MOTION OFFERED BY Supervisor Holdridge and second by Council Member Courtenay to approve the attendance of Julie Tiller to the Orange County Department of Human Resources Education Seminar on February 15, 2024 from 9:30am to 12:30pm to be held in Goshen at no cost, except for mileage reimbursement.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

EXECUTIVE SESSION

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to enter into Executive Session at 8:45pm on a matter of personnel.

VOTE AYES(4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to adjourn the Executive Session at 9:15pm.

VOTE: AYES(4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

NEW BUSINESS

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to approve the services of Turnbull for work at the Sugar Loaf Water District in the amount of \$4,941.81.

DISCUSSION: Council Member Becker explained this work will enable the re-opening of well 3A.

Vote Rollcall:

Supervisor Holdridge	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Ardisana	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Becker	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No ___	Abstain ___	Absent <u>X</u>

ADOPTED

TOWN BOARD COMMENTS

Council Member Courtenay relayed the request from the School of Visual Arts for the Town Board to accept a reduction in fee for the rental of the SLPAC on February 11, 2024, from \$2,500 to \$1,500. Walter confirmed the availability of the theater and it will be staffed by part-time employee.

ADJOURNMENT

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to adjourn the meeting at 9:20pm, there being no further business brought before the Town Board.

VOTE: AYES (4): Holdridge, Ardisana, Becker, Courtenay, ABSENT (1): Dysinger

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2024-01-24