

**TOWN BOARD MEETING
June 26, 2024
6:45 PM**

Supervisor Holdridge opened the meeting at 6:45pm.

Attendance Rollcall:

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

*Council Member Courtenay arrived at 7:35pm.

Determination of Quorum: Yes X No

Pledge of Allegiance

EXECUTIVE SESSION

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Dysinger to enter into Executive Session at 6:45pm on a matter of personnel.

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

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Dysinger to adjourn the Executive Session at 7:15pm.

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

ACCEPTANCE OF MEETING MINUTES

ON A MOTION OFFERED BY Council Member Dysinger and second by Council Member Ardisana to accept the Minutes of the Town Board Meeting of June 5, 2024 as presented by Town Clerk Zappala and June 12, 2024 as presented by Deputy Town Clerk Schmid.

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

SUMMARY OF BILLS

Comptroller provided the Utility Abstract for June, 2024. The Town will be paying utilities and other obligations in the amount of \$223,785.98.

ARPA AUTHORIZATIONS

ON A MOTION OFFERED BY Council Member Ardisana and second by Council Member Dysinger to adopt the following resolution.

**Resolution of the Town Board of the Town of Chester
Authorizing the use of ARPA**

It is hereby resolved, that the Town Board hereby approves and authorizes the use of American Rescue Plan funds for the following projects with respect to the 2023 Fiscal Year:

Project	Project Code	Amount
Generator	GEN23	\$55,512.00
Control Panel Surrey Meadows	SMCP23	\$25,931.25
Tank Cleaning	SLTNK23	\$38,324.00
Sugar Loaf Well Pumps	SL1A23	\$54,132.20
Fiber	FIB23	\$23,056.30
Walton Lake Well	WL3A	\$31,464.00
Fieldcrest Flushing Device	FCFD	\$4,957.00

This also approves the Comptroller to record all Journal entries and budget modifications associated with each of these projects.

Discussion: Supervisor Holdridge explained, as per Comptroller Meyer, we need to do some clean-up with regard to the 2023 Books and Records. All of these projects were authorized by the previous Board, however, dollar amounts allocated weren't always clear within the minutes.

Council Member Becker commented that the items mentioned should have been budgetary as wish list items since they were not emergencies.

Council Member Dysinger stated that all but one benefited sewer or water districts which should be self-supporting. He opined, ARPA should be items benefitting the entire Town such as recreation.

Supervisor Holdridge commented that although he agreed with the members' opinions he believes usage was expanded to allow ARPA funding for all expenses.

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 ___	No ___	Abstain ___	Absent <u>X</u>
Council Member Dysinger	Yes <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

2023 BUDGET MODIFICATIONS

ON A MOTION OFFERED BY Council Member Becker and second by Council Member Ardisana to adopt the following resolution.

**Resolution of the Town Board of the Town of Chester
Authorizing the following Budget Modifications**

It is hereby resolved, that the Town Board hereby authorizes and directs the Town Comptroller to make the following budget modifications for the 2023 Town Budget as follows:

<u>Fund</u>	<u>Date</u>	<u>Amount</u>	<u>Type</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>	<u>Description</u>
A	12/31/2023	\$ 3,474.87		A1010.4		3,474.87	From Twn Bd Cont
				A1320.4	3,474.87		Audit Cont
	12/31/2023	\$ 777.21		A1410.200		777.21	From Twn Clerk Equip
				A1410.4	777.21		Twn Clerk Cont
	12/31/2023	\$ 2,253.82		A3510.400		2,253.82	Control of Dogs
				A1620.100	1,461.79		Buildings
				A1910.400	792.03		Insurance
	12/31/2023	\$ 10,005.90		A6772.400		10,005.90	Programs for the Aging
				A7110.100	8,367.91		Parks Services
				A7110.200	1,637.99		Parks Equipment
	12/31/2023	\$ 28,544.55		A7140.100		28,544.55	Parks & Reg Services
				A7110.400	25,656.66		Parks Contractual
				A7140.400	2,887.89		Parks & Rec Contractual
	12/31/2023	\$ 27,744.26		A7230.100		8,744.26	Performing Arts Center
				A7230.200		19,000.00	Performing Arts Center
				A7230.400	27,744.26		Performing Arts Center
	12/31/2023	\$ 5,000.87		A9730.760		5,000.87	Hwy Garage Interest
				A9730.660	5,000.00		Hwy Garage Principal
				A9730.700	0.50		Senior Building Interest
				A9730.710	0.37		Senior Building Interest
	12/31/2023	\$ 21,419.94		A1110.200		1,500.00	Justice Equipment
				A1110.400		11,483.96	Justice Contractual
				A1420.400		8,435.98	Attorney Contractual Exp
				A1110.100	21,419.94		Justice Personal Service
	12/31/2023	\$ 8,384.04		A1460.400		3,075.43	Records Management
				A1355.100		5,308.61	Assesors Personal Services
				A1460.100	8,384.04		Records Management

<u>Fund</u>	<u>Date</u>	<u>Amount</u>	<u>Type</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>	<u>Description</u>
DA	12/31/2023	\$ 29,944.40		DA5130.400		\$ 22,350.12	Machinery Equipment
				DA5130.100		\$ 7,594.28	Machinery Personal Service
				DA5130.200	\$ 6,450.00		Machinery Equipment
				DA9730.600	\$ 6,000.00		Machinery Principal
				DA9730.700	\$ 17,494.40		Machinery Interest
DB	12/31/2023	\$ 8,637.57		DB9010.800		\$ 8,637.57	State Retirement
				DB9030.800	\$ 7,144.17		Social Security
				DB9035.800	\$ 1,493.40		Medicare
B		\$ 11,809.56		B9060.800		\$ 11,809.56	Medical Insurance
				B9030.800	\$ 8,552.59		Social Security
				B9035.800	\$ 2,701.85		Medicare
				B9065.800	\$ 554.41		MTA Payroll Tax
				B9710.700	\$ 0.71		Interest
		\$ 8,496.67		B8020.400		\$ 8,496.67	Planning Cont Exp
				B8020.100	\$ 8,496.67		Planning Personal Services
		\$ 11,290.94		B1620.400		\$ 11,290.94	Building Contractual
				B3120.200	\$ 11,290.94		Police Equipment
		\$ 22,732.53		B1440.400		\$ 3,800.00	Engineering Contract Exp
				B3120.400		\$ 1,630.00	Police Cont Exp
				B3620.100		\$ 6,300.00	Safety Inspection Per Serv
				B3620.400		\$ 5,800.00	Safe Inspection Cont Exp
				B8010.100		\$ 5,202.53	Zoning Personal Services
				B3120.100	\$ 22,732.53		Police Personal Services
		\$ 416.14		B8010.400		\$ 416.14	Zoning Cont Exp
				B5182.400	\$ 416.14		Street Lighting
		\$ 54,745.84					

<u>Fund</u>	<u>Date</u>	<u>Amount</u>	<u>Type</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>	<u>Description</u>
FC	12/31/2023	\$ 5,220.94		FC8340.400		\$ 4,412.49	FC Trans Dist
				FC8310.200		\$ 808.45	FC Equip
				FC8320.400	\$ 5,200.94		FC Contr Power & Pump
				FC8330.400	\$ 20.00		Purification Cont Exp
LH	12/31/2023	\$ 10,584.62		LH8310.400		\$ 7,207.56	LH WT Cont
				LH8320.400	\$ 7,207.56		LH P&P
				LH8310.200		\$ 3,377.06	LH Admin Equip
				LH8330.400	\$ 3,370.95		LH Wtr Pur
				LH9065.800	\$ 6.11		MTA Payroll
SL	12/31/2023	\$ 8,029.46		SL8310.200		\$ 274.00	Contr Admin Equip
				SL8310.400	\$ 274.00		Contr Exp Admin
				SL8320.200		\$ 7,755.46	P&P Equip
				SL8310.100	\$ 2,984.24		Personal Services
				SL8320.400	\$ 3,074.05		Con Exp P&P
				SL8340.400	\$ 1,201.75		Trans&Dist Contr Exp
				SL9030.800	\$ 495.42		Social Security
SM	12/31/2023	\$ 2,783.63		SM8310.200		\$ 2,783.63	Admin Equip
				SM8310.400	\$ 182.10		Administration
				SM8320.400	\$ 1,644.85		P&P
				SM9030.800	\$ 823.23		Social Security
				SM9035.800	\$ 133.45		Medicare
WL	12/31/2023	\$ 613.24		WL9060.800		\$ 613.24	Medicare Insurance
				WL9030.800	\$ 562.32		Social Security
				WL9065.800	\$ 50.50		Payroll Tax
				WL9710.700	\$ 0.42		Interest
SR	12/31/2023	\$ 374.78		SR8160.400		\$ 374.78	
				SR9030.800	\$ 303.74		
				SR9035.800	\$ 71.04		
LR	12/31/2023	\$ 5,439.97		LR9730.610		\$ 5,439.97	
				LR8120.400	\$ 5,439.97		
SC	12/31/2023	\$ 4,810.04			SC8120.400	SC0962.000	Fund Balance
SS	12/31/2023	\$ 0.64			SS8120.400	SS0962.000	Fund Balance

Discussion: Supervisor Holdridge explained the budget modifications need to be made to correct mistakes from last year.

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 ___	No ___	Abstain ___	Absent <u>X</u>
Council Member Dysinger	Yes <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

2024 BUDGET MODIFICATIONS

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

Resolution of the Town Board of the Town of Chester
Authorizing the following Budget Modifications

It is hereby resolved, that the Town Board hereby authorizes and directs the Town Comptroller to make the following budget modifications for the 2024 Town Budget as follows:

In Past years the Town has historically charged SLPAC revenues to account A2025. SLPAC revenue was budgeted to A2770 for the 2024 Budget Year. In an effort to be consistent with prior years the Board hereby authorizes the following budget modification:

DESCRIPTION	AMOUNT	DEBIT	CREDIT
SLPAC	\$250,000	A2770	A2025

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 ___	No ___	Abstain ___	Absent <u>X</u>
Council Member Dysinger	Yes <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

REPORTS

Council Member Becker gave his report:

The Pit-less adapter has been installed on the Sugar Loaf well. Fittings have been ordered to tie the pit-less into the existing water line. When that is done and everything is backfilled the new pump will be installed, then the part 5 sanitary code testing samples will be taken. I have reached out to several surveyors and have not received prices for the Kings Highway project yet.

Council Member Dysinger reported the filling and grading latest version has been forwarded and he is waiting on comments and plan to move forward. The property maintenance updates were sent to the Town Board and other pertinent parties and is awaiting comments to move forward. Supervisor Holdridge said he was in agreement with the current form. Council Member Dysinger said the CPC submitted changes for AR3, SR1, SR2, and SR6 and is in review of RO, IP and OP, leaving another 4-5 districts left to review over the next few weeks. Attorney Cassidy suggested doing one large zoning local law amendment unless it is necessary to implement changes sooner. Council Member Becker asked what the affect would be on farms and whether they are exempt from some forms of zoning. Attorney Cassidy said there is a wide range depending on specific instance and greater flexibility with local zoning and State law on active agricultural and would need review on case-by-case basis. She will touch base with the planner and suggests public hearings be scheduled in batches.

Supervisor Holdridge acknowledged receipt from DOT approving of the installation of a right turn light on 17M at Kings Highway by year end. He will look in to an ask for a re-alignment or circle sometime in the future.

Supervisor Holdridge provided his updates:

- He donated blood at the NY Blood Drive and thanked the Sugar Loaf Engine Company for their involvement.
- The CPC meeting was very productive.
- Sent a letter along with Senator Skoufis, Assemblyman Maher to the NYS DOT to save exit 127 and suggested a push from the public and pending resolution to be passed tonight.
- He thanked all involved with the successful Touch-a-Truck event.
- The grants meeting was very productive and he is excited and hopeful to see us recoup costs this year.
- He attended the Vision Hudson Valley Placemaking and was honored to host at the SLPAC.
- He reported the Little League closing ceremony went very well, and since the Town PBA won the tournament, they have bragging rights.
- Municipal tax levy demo went well.
- Congratulates the CUFSD High School on their graduation and thanked the candidates going to the Marines, Coast Guard and Navy.
- Announced WVHS Open House for International Homeless Animals Day on August 17, 1-4pm. Refreshments served. Animals up for adoption. Donations accepted.
- Announced intern program started with Allison who has been a great help and another intern to start in July. Anyone interested should contact Supervisor Holdridge.

*Council Member Courtenay arrived.

PUBLIC COMMENTS

Chris Maurer, Creamery Pond Road, asked if the Board is considering a reverse-911 system. The Supervisor replied that we are looking into a system and will have more information forthcoming.

Connie Roach, via FB, asked why the Town is considering purchasing land on Ridge Road when we didn't have money to purchase the land on Laroe Road and Scott's Meadow that could be used for a purpose. Supervisor Holdridge said the acquisition is for 100-acre property to preserve as Open Space, which is in an exploratory stage and with no commitment to purchase at this time. As far as the other parcels, he said the County taking over the land on Laroe Road for free and at no cost to Chester taxpayers provides benefits and the Scott's Meadow property was determined to be a realty deal requiring fund balance payment and with not knowing the Town's finances it is better if it is back on the tax roll.

RESOLUTION TO ACCEPT HIGHWAY LAW 284

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to enter into the following agreement with the Highway Superintendent.

AGREEMENT between the Town Superintendent of the Town of Chester, Orange County, New York, and the undersigned members of the Town Board.

Pursuant to the provision of Section 284 of the Highway Law, we agree that money levied and collected in the Town for repair and improvement of highways, and received from the State Aid for the repair and improvement of highways, shall be expended as follows:

- 1) **GENERAL REPAIRS:** The sum of \$ 524,830.00 shall be set aside to be expended for primary work and general repairs upon 97.74 miles of town highways, including sluices, culverts, guide rails and bridges having a span of less than five feet of the renewals thereof.

- 2) **PERMANENT IMPROVEMENTS:** The following sums shall be set aside to be expended for the permanent improvement of town highways:
 Permanent improvements will not be performed in 2024 due to the drainage and flooding issues that need immediate attention.

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 <u>X</u>	No _____	Abstain _____	Absent _____

ADOPTED

RESOLUTION TO ACCEPT TELECOM UPGRADE PROPOSAL FROM VOICECOM

Supervisor Holdridge provided the analysis provided by Comptroller Meyer. He said the Town has been double tapped on charges for both Optimum and Crown Castle since fiber optics was installed 1-2 years ago with little movement to get the project completed. The low bid from Voicecom will result in annual savings to the Town in the amount of \$22,932.21.

	Current Annual Cost	
Optimum	21,991.21	
Frontier	15,078.04	
Crown Castle	15,000.00	
Voicecom	3,031.00	
Total Cost	55,100.25	

	Granite	Voicecom
Frontier	1,626.60	1,626.60
Crown Castle	15,000.00	15,000.00
Provider	16,403.76	15,541.44
Proposals	33,030.36	32,168.04

Savings	<u>22,069.89</u>	<u>22,932.21</u>
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ON A MOTION OFFERED BY Council Member Courtenay and second by Supervisor Holdridge to approve the proposal from Voicecom in the amount of \$15,541.11 for the new VOIP phone system.

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 <u>X</u>	No _____	Abstain _____	Absent _____

ADOPTED

RESOLUTION TO AUTHORIZE EQUITY ADJUSTMENT FOR MATT KENNY

ON A MOTION OFFERED BY Supervisor Holdridge and second by Council Member Dysinger to approve the equity adjustment for Matt Kenny to \$23.00.

Discussion: Supervisor Holdridge said after employ of just under two years, a cost-of-living adjustment and in keeping with other municipalities, the increase from \$19.57 p/hour is appropriate.

Vote Rollcall:

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

ADOPTED

INTRODUCTORY LOCAL LAW 4 OF 2024 - A LOCAL LAW TO DESIGNATE TOWN INTERSECTIONS AT STOP INTERSECTIONS

BE IT ENACTED, by the Town Board of the Town of Chester as follows:

Section 1. Legislative Intent.

It is the intent of this local law to install three way stop signs at various intersections in Surrey Meadows for the health, safety and welfare of Town Residents.

Section 2. Chapter 92-5, entitled “Stop Intersections designated” shall be amended by adding the following:

Stop Sign on	Direction of Travel	At Intersection Of
Surrey Road	East and West	Park Drive (Southeast Intersection)
Surrey Road	Southwest and Northeast	Park Drive (Northwest Intersection)
Park Drive	Southeast	Surrey Road (South Intersection)
Park Drive	Northwest	Surrey Road (North Intersection)
Surrey Road	Northwest and Southeast	Herbert Drive
Herbert Drive	Northeast	Surrey Road
Park Drive	Northwest and Southeast	Mark Street
Mark Street	Northwest	Park Drive
Surrey Road	East and West	June Road
June Road	Northeast	Surrey Road

Section 3. Authority.

This local law is adopted pursuant to section 10 of the Statute of Local Governments which provides local governments the power “to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties”.

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 upon filing with the Secretary of State.

A RESOLUTION TO INTRODUCE A LOCAL LAW TO DESIGNATE TOWN INTERSECTIONS AS STOP INTERSECTIONS

WHEREAS, the Town of Chester desires to designate the intersections along Surrey Road and Park Drive as three-way stop intersections for purposes of slowing traffic down and for the protection of the health, safety and welfare of Town Residents;

NOW THEREFORE BE IT RESOLVED, that Introductory Local Law #4 of 2024 entitled A LOCAL LAW TO DESIGNATE TOWN INTERSECTIONS AS STOP INTERSECTIONS, is hereby introduced before the Town Board of the Town of Chester

BE IT FURTHER RESOLVED those copies of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the public hearing shall be held on July 24, 2024 at 7:00 P.M. or as soon thereafter as may be heard at Town of Chester Town Hall, 1786 Kings Highway, Chester, NY 10918. The Town Clerk shall cause to be published public notice in the official newspaper as is required by law.

Motion by: Courtenay
Second by: Dysinger

Discussion: Supervisor Holdridge explained this local law is in response to traffic calming requests to protect the residents and although called “authoritarian”, he said it is for the safety of our children.

Vote Rollcall:

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

ADOPTED

RESOLUTION TO AUTHORIZE SUPERVISOR HOLDRIDGE TO NEGOTIATE A POTENTIAL LAND ACQUISITION DEAL

Supervisor Holdridge explained the discussion to purchase 100-acre lot on Ridge Road off Kings Highway to preserve as open space has been ongoing with the Laroe family since January and was a campaign promise. As exploratory, we need an appraisal to determine its value for an offer.

Council Member Courtenay voiced concerns as we are waiting on a drop-dead dollar amount for our financials. He said he has been for land preservation over the past five years but the preservation fund has been shot down at the State level. He wants a study conducted to determine the best properties to preserve and would like to do purchases all in one shot. He added it would be better to purchase development rights to keep properties on the tax roll.

Council Member Becker said the property is located on the edge of Town and said there are other more desirable properties such as the Talmadge farm. He said if it’s to be purposed as Knapp’s View, it limits use and makes it complicated. He would like to

know the plan for use. He asked if we could take up this resolution after an appraisal is done. Attorney Cassidy opined having an appraisal can set the introductory offer.

Council Member Dysinger shares the opinions of Council Members Becker and Courtenay and although all for preservation, he is against the purchase of this property. He said we should be creative to preserve through PDR or by providing a break in taxes. He said there is so much more to spend on as far as infrastructure and recreation where town residents can benefit.

Supervisor Holdridge said he expects an update on our finances by month end but this purchase would require bonding to be paid over time. He would like to do an all-in-one shot but he is jumping the gun because the informal discussions indicated they want to move forward sooner than later and come to an agreement on a number. The CAC has been tasked with a preservation plan to whittle down to a set of properties for consideration. He said he would bring back to the Board all details to determine if it is worth it and plan for use. As for Talmadge's farm, he said Mr. Talmadge is not willing to sell now.

Attorney Cassidy opined a permissive referendum is needed for any financing of purchases.

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to authorize the Supervisor to negotiate a potential land acquisition deal for the Laroe Property on Ridge Road.

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 <u>X</u>	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No <u>X</u>	Abstain ___	Absent ___

ADOPTED

RESOLUTION TO ALLOCATE \$3,000 IN FUND BALANCE TO AN APPRAISAL OF THE LAROE PROPERTY ON RIDGE ROAD

ON A MOTION OFFERED BY Council Member Courtenay and second by Council Member Ardisana to authorize the \$3,000 in fund balance to an appraisal of the Laroe Property on Ridge Road.

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 <u>X</u>	Abstain ___	Absent ___
Council Member Courtenay	Yes <u>X</u>	No ___	Abstain ___	Absent ___
Council Member Dysinger	Yes ___	No <u>X</u>	Abstain ___	Absent ___

ADOPTED

INTRODUCTORY LOCAL LAW NO. 5 OF 2024 - A LOCAL LAW AMENDING CHAPTER 16 OF THE CODE OF THE TOWN OF CHESTER ENTITLED, "OFFICERS AND EMPLOYEES" TO AMEND THE LENGTH OF TERM OF OFFICE FOR MEMBERS OF THE TOWN BOARD AND TO STAGGER SUCH TERMS

Section 1. Legislative Intent

This local law would revise the Town Code for the Town of Chester, Chapter 16, to amend and establish terms of office for the offices Town Council Members, to stagger such terms and to supersede New York State Town Law Sections 24, 24-a and 85 to the extent necessary, if approved by Town Voters in the 2024 election, for terms of officers elected to office in the November 2026 election.

Section 2. Text Amendment

Chapter 16 entitled of the Code of the Town of Chester entitled “Officers and Employees” is hereby amended to add the following Articles:

CHAPTER 16. OFFICERS AND EMPLOYEES

Article VIII: Office of Town Council Members

§ 16-31 Term of Office; Staggering of Terms

The term of office of a Town Council member, as elected by a majority of Town of Chester voters within each respective ward shall be, if approved by the voters in the 2024 election, established as follows:

A. Wards 1 and 4 Council Members; Terms

The term of office of the Ward 1 and Ward 4 council members, as elected by a majority of the Town of Chester voters within each such Ward in the November 2026 election, shall be for a term of four (4) years, commencing on January 1, 2027 for the Council members elected in the 2026 regular biennial Town election and such four-year terms shall be effective and apply to the Council Members of Ward 1 and Ward 4 elected at any subsequent biennial election thereafter.

B. Wards 2 and 3 Council Members; Terms

The term of office of Ward 2 and 3 council members, as elected by a majority of the Town of Chester voters within each such Ward in the November 2026 election, shall be for a term of two (2) years, commencing January 1, 2027. The term of office of the Ward 2 and 3 Council members, as elected by a majority of the Town of Chester voters within each such wards in the November 2028 election shall be for a term of four (4) years commencing January 1, 2029 and such four-year terms shall apply to all Ward 2 and Ward 3 council members elected at any subsequent biennial election thereafter.

In all other respects Chapter 16 shall remain unchanged.

Section 3. Authority

The Town Board is vested with the authority to make these amendments by Local Law pursuant to Municipal Home Rule § 10 and 93, and in conformance with Municipal Home Rule Law § 20. It is the Town Board’s express intent and purpose, pursuant to § 10(1)(ii)(d)(3) of the Municipal Home Rule Law, and § 10 of the Statute of Local Governments, to supersede New York State Town Law § 24, 24-a and § 85 to the extent necessary.

Section 4. Severability

If any section, provision of part thereof in this Chapter shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjunction shall not affect the validity of the Chapter as a whole or any section, provision or part hereof not so adjudged invalid or unconstitutional.

Section 5. Effective Date

If this law is approved by the affirmative vote of the majority of the qualified voters of the Town voting thereon at the 2024 General Election, this law shall become and be effective immediately.

**RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 5 OF 2024, A LOCAL LAW AMENDING
CHAPTER 16 OF THE CODE OF THE TOWN OF CHESTER ENTITLED,
“OFFICERS AND EMPLOYEES” TO AMEND THE LENGTH OF TERM OF OFFICE FOR MEMBERS
OF THE TOWN BOARD AND TO STAGGER SUCH TERMS**

WHEREAS, the Town of Chester, following a ballot proposition, has implemented a ward system consisting of four wards for the purposes of electing Town Council Members; and

WHEREAS, pursuant to Town Law § 85, upon the implementation of a ward system, the terms of the four council members become two-year terms with all council members being elected in the same election; and

WHEREAS, the Town Board desires to provide for four-year terms for Town Council Members and further desires to stagger such terms so that two council members are elected in each biennial election; and

WHEREAS, the terms of other Town of Chester officials including the Town Clerk, Town Supervisor, Receiver of Taxes, Highway Superintendent and Justices will remain unaltered; and

WHEREAS, the Town Board desires to adopt such law, with the effective date of the local law occurring after the November 2026 election and the terms affected being those commencing January 1, 2027, subject to approval of the Town voters via referendum; and

NOW THEREFORE BE IT RESOLVED that INTRODUCTORY LOCAL LAW 5 OF 2024, A LOCAL LAW AMENDING CHAPTER 16 OF THE CODE OF THE TOWN OF CHESTER ENTITLED, “OFFICERS AND EMPLOYEES” TO AMEND THE LENGTH OF TERM OF OFFICE FOR MEMBERS OF THE TOWN BOARD AND TO STAGGER SUCH TERMS is hereby introduced before the Town Board of the Town of Chester; and

BE IT FURTHER RESOLVED that a copy of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that a public hearing shall be held on July 24, 2024 at 7:00 P.M. or as soon thereafter as may be heard at Town of Chester Town Hall, 1786 Kings Highway, Chester, NY 10918. The Town Clerk shall cause public notice to be published in the official newspaper as is required by law.

Motion – Courtenay
Second – Holdridge

Discussion: Supervisor Holdridge explained that because of the Ward System, the Town Board seats revert to two-year terms running on the same schedule. He said two-year terms is not conducive to governing, since the second year would be relegated to electioneering and a brain drain for all seats to be up in the same year. Attorney Cassidy expanded by saying based on State Law, biennial elections will change from odd to even years. So, the seats held by Council Members Ardisana and Courtenay would be up in 2025 for a one-year term and in 2026, two seats would be up for two years in Wards 2 & 3, and two seats up for four years in Wards 1 & 4. The referendum in November 2024 would call for the stagger of terms and convert all to 4-year terms.

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 <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

RESOLUTION IN SUPPORT OF PRESERVING EXIT 127

A RESOLUTION IN SUPPORT OF MAINTAINING EXIT 127

JUNE 26, 2024

TITLE: A resolution to request that the New York State Department of Transportation maintains Exit 127 in its plans to convert Route 17 into I-86.

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 26th day of June, 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: **Supervisor Holdridge**
 Council Member Ardisana
 Council Member Becker
 Council Member Courtenay
 Council Member Dysinger

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

WHEREAS, the Town Board of the Town of Chester is aware that the Route 17 to I-86 plan is in development by the NYS Department of Transportation; and

WHEREAS, the Town Board and residents of Chester are concerned over the possibility of Exit 127 on Route 17 being closed down; and

WHEREAS, the Town Board and residents of Chester believe that without Exit 127, an excess amount of traffic will be forced to use Exit 126 which will delay vehicles getting into Chester, Sugar Loaf, and the greater Warwick area; and

WHEREAS, the amount of traffic onto Exit 126, caused by this change, would be devastating to our quality of life; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Board of the Town of Chester, requests the maintaining of Exit 127 in the plan to convert Route 17 to I-86 for the efficiency and convenience of traffic into the area.

BE IT FURTHER RESOLVED, that a copy of this resolution is sent to the Village of Chester, Town of Warwick, Village of Warwick, Village of Florida, Office of Assemblyman Maher, Office of Senator Skoufis, and 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:

Vote Rollcall:

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

ADOPTED

INTRODUCTORY LOCAL LAW NO. 6 OF 2024 - A LOCAL LAW AMENDING CHAPTER 66 OF THE TOWN CHESTER TOWN CODE, ENTITLED "NOISE POLLUTION CONTROL"

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 amending Chapter 66 of the Town of Chester Town Code, Entitled "Noise Pollution Control,"

Section 2: LEGISLATIVE INTENT

The Town Board of the Town of Chester has determined that it is in the best interest of the Town to impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the limits of the Town of Chester. It is the intention of the Town Board of the Town of Chester that these restrictions shall further secure and promote the public health, comfort convenience, safety, welfare, prosperity and peace and quiet of the Town of Chester and its residents.

Section 3: Noise Pollution Control

Chapter 66 of the Town of Chester Town Code, entitled "Noise Pollution Control" is hereby repealed in its entirety to be replaced to read as follows:

§66-1. Title

This Chapter shall be cited and may be referred to hereinafter as the, "Noise Pollution Control Law of the Town of Chester."

§66-2. Legislative Intent

It is the intention of the Town Board of the Town of Chester by the adoption of this Chapter to establish and impose restrictions upon the creation of excessive, unnecessary or unusually loud noise within the Town of Chester. These restrictions shall further secure and promote the public health, comfort, safety, welfare and peace and quiet of the Town of Chester and its residents.

§66-3. Authority

In accordance with Section 10 of the New York State Municipal Home Rule Law, the Town Board of the Town of Chester has the authority to enact and amend such local laws as necessary for the promotion of health, safety and general welfare of the Town of Chester and its residents.

§66-4. Definitions

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

A-WEIGHTED SOUND LEVEL

The sound pressure level in decibels as measured on a sound meter using the A- weighting network slow response. The level so read is designated as dB(A).

COMMERCIAL DISTRICT

An area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments; a tourist- oriented area where hotels, motels and gasoline stations are located; a business strip along a main street containing offices, retail businesses and commercial enterprises; and other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. "Commercial District" shall include, but not be limited to, any parcel of land zoned commercial under Chapter 98 of the Town Code of the Town of Chester.

COMMERCIAL PURPOSE

Commercial Purpose shall include the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising for any business, any goods or any services or for the purpose of attracting attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

CONSTRUCTION ACTIVITIES

Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

CONTINUOUS NOISE

A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of 10 minutes or longer, with an accumulation of an hour or more over a period of 8 hours.

DECIBEL (dB)

A unit of measurement for sound pressure level. The number of Decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micro pascals). Decibels shall be abbreviated to "dB".

DEVICE

Any mechanism which is intended to produce or which actually produces sound when operated or handled.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate attention.

EMERGENCY WORK

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

FLUCTUATING NOISE

The sound pressure level of a fluctuating noise, which varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound-level meter.

IMPULSIVE SOUND

A sound of short duration, usually less than 1 second, with an abrupt onset and rapid decline. Examples of sources of

impulsive sound include explosions, drop forge impacts and the discharge of firearms.

INDUSTRIAL DISTRICT

An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. "Industrial District" shall include, but be limited to, any parcel of land zoned as an industrial district under Chapter 98 of the Town Code of the Town of Chester.

MOTOR VEHICLE

Any vehicle such as, but not limited to, a passenger vehicle, truck, truck trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

NOISE DISTURBANCE

Incessant or repeated sounds that have the effect of endangering or injuring the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or tends to cause an adverse psychological or physiological effect on humans, or endangers or injures personal or real property, or is in excess of the following:

<u>District as defined by this Chapter</u>	<u>Days of the Week</u>	<u>7 a.m. to 7 p.m.</u>	<u>7 p.m. to 10 p.m.</u>	<u>10 p.m. to 7 a.m.</u>
Residential	Sunday through Saturday	65 dB(A)	55 dB(A)	45 dB(A)
Commercial	Sunday through Saturday	75 dB(A)	65 dB(A)	50 dB(A)
Industrial	Monday through Saturday	75 dB(A)	65 dB(A)	55 dB(A)
Industrial	Sunday	60 dB(A)	55 dB(A)	45 dB(A)

NON-COMMERCIAL PURPOSE

The use, operation or maintenance of any sound equipment for other than a commercial purpose. "Non-Commercial Purpose" shall mean and include, but not be limited to, philanthropic, political, patriotic and charitable purposes.

PERSON

Any individual, association, partnership or corporation, including any officer, employee, department, agency or instrumentality of the state or any political subdivision of a state.

REAL PROPERTY BOUNDARY

A line along the ground surface, and its vertical extension, which separates the real property owned by one person from that real property owned by another person, but not including intra-building real property divisions.

RESIDENTIAL DISTRICT

An area of single-family or multi-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential District" shall include, but not be limited to, hospitals, nursing homes, residences for the aged, schools, courts and similar institutional facilities.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of "Sound" may include any characteristics of such sound, including duration, intensity and frequency.

SOUND-LEVEL METER

An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measure of sound levels.

SOUND REPRODUCTION DEVICE

Any device that is designed to be used or is actually used for the production or reproduction of sound including, but not limited to, any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

SOUND SOURCE

Any person, animal, device, operation, process, activity or phenomenon which emits or causes sound.

UNREASONABLE NOISE

Any excessive or unusually loud sound in excess as defined under "NOISE DISTURBANCE", or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether an "Unreasonable Noise" exists in a given situation include, but are not limited to, the following:

- i. The volume of the noise.
- ii. The intensity of the noise.
- iii. Whether the nature of the noise is usual or unusual.
- iv. Whether the origin of the noise is usual or unusual.
- v. The volume and intensity of the background noise, if any.
- vi. The proximity of the noise to residential sleeping facilities.
- vii. The nature and the zoning district of the areas within which the noise emanates.
- viii. The time of the day or night in which the noise occurs.
- ix. The time duration of the noise.
- x. Whether the sound source is temporary.
- xi. Whether the noise is continuous or impulsive.

§66-5. Prohibited Acts

No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof shall cause, suffer, allow or permit to be made unreasonable noise. For purposes of this law, unreasonable noise is any disturbing, excessive, or offensive sound that disturbs a reasonable person of normal sensitivities.

The following acts are declared to be prima facie evidence of a violation of this law. This enumeration shall not be deemed exclusive.

a) Any Noise Disturbance or Unreasonable Noise from any source between the hours as defined under “NOISE DISTURBANCE”.

b) Noise Disturbance or Unreasonable Noise from a dog or other pet animal that is continuous and exceeds 15 minutes in duration, in further compliance with Town of Chester Code §42-4(B).

c) Noise Disturbance or Unreasonable Noise from a burglar alarm or other alarm system of any building, motor vehicle, or boat which is continuous and exceeds 15 minutes in duration.

d) Noise Disturbance or Unreasonable Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck, C.D. player or similar device that reproduces or amplifies sound in such a manner as to cause unreasonable noise to be heard over any property line.

e) The erection, including demolition, alteration or repair or construction of any building causing Noise Disturbance or Unreasonable Noise, other than between 7:00 a.m. and 8:00 p.m. weekdays, 8:00 a.m. and 6:00 p.m. on Saturday and 9 a.m. and 5 p.m. on Sunday, except in case of a public safety and emergency.

f) Opening and Excavations refer to Chester Town Code §81-6 prohibited hours of operation. In any residence district, no operation authorized under this article shall be permitted on Sundays or legal holidays nor before 8:00 a.m. or after 5:00 p.m. on other days. In any business or industrial district, no operation authorized under this article shall be conducted on Sunday, except where otherwise permitted by law. The Superintendent of Highways, in his discretion, may vary modify the application of this provision as occasion and/or necessity may demand.

g) The operation of power equipment in residential zones outdoors on Monday through Saturday between the hours of 8:00 p.m. and 7:00 a.m. the following day, and on Sunday between 7:00 p.m. and 7:00 a.m. the following day which causes a Noise Disturbance or Unreasonable Noise.

h) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time which causes a Noise Disturbance or Unreasonable Noise.

i) The making of a Noise Disturbance or Unreasonable Noise or operating an automobile or motorcycle in such a manner as to cause high-pitched shrieking or other Noise Disturbance or Unreasonable Noise.

j) Vendors offering for sale anything by shouting or out crying upon the public streets and sidewalks.

k) Noise generated from the use of any fireworks, or any other form of pyrotechnic or explosive devices, not being employed as part of a lawfully permitted fireworks display.

l) No person shall operate, or permit to be operated, any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.

m) The use of unmuffled compression release engine brakes (Jacobs Brakes) within the boundaries of the Town between the hours of 7pm and 8am.

§66-6.**Exemptions.**

The provisions of this law shall not apply to the following acts:

- a) The emission of sound for the purpose of alerting persons to the existence of any emergency.
- b) Noise from municipally sponsored celebrations or events.
- c) Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Town of Chester.
- d) Noise connected with an authorized sporting event of any organized league, public or private school, carnival, fair, exhibition or parade authorized or sponsored by the Town of Chester or other superior municipal entity.
- e) The operation or use of any organ, radio, bell chimes, loudspeaker or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the state provided such operation or use does not occur between the hours of 9:00 p.m. and 8:00 a.m.
- f) Noise generated by the installation and normal maintenance and operation of municipal utilities.
- g) Noise generated by municipal, County, State and Federal construction repairs.
- h) Noise generated from snow removal equipment during snow events and backup generators during power outages.
- i) Farm and Farm Equipment - any sound generated by any accepted practice of an active agricultural operation, including livestock and farm animals, provided that said agricultural operation is legally operated in agricultural zoning districts.
- j) Noise generated from lawfully permitted fireworks displays; and
- k) Noise generated from the lawful discharge of firearms during the hours of 10:00 a.m. to 8:00 p.m. This exemption shall apply to other organization or individual that has the lawful right to discharge a firearm. Notwithstanding the foregoing, any lawful discharge of a firearm during hunting season shall be from sunrise to sunset.
- l) The Monroe Chester Sportsman's Club, established 1935, shall be exempt from this law during the hours of 9:00 a.m. to 8:00 p.m.
- m) Established commercial and industrial uses located in commercial or industrial zoning districts that have already been through comprehensive environmental reviews.

§66-7.**Enforcement and Administration**

The noise control requirements shall be enforced and administered by Town enforcement officers, properly identified Town Police Department personnel and other duly authorized personnel as the Town of Chester may from time to time require.

In an effort to determine compliance with this Chapter, the Town Enforcement Officer is authorized, to the extent permitted by law, to enter, inspect and examine any building, structure, place, premise or use within the Town of Chester which is believed to be in violation of this Chapter.

§66-8.

Penalties for Offenses

a) Violations of this Chapter may be established by verbal or written complaint by at least one person. The Town Code Enforcement Officer is authorized to issue a stop-work or cease and desist order, and/or institute appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Chapter.

b) Compliance Orders. The Town Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist with respect to this Chapter. Upon finding that any such condition or activity exists, the enforcement officer shall issue a compliance order. If the condition or activity is not remedied after the issuance of the compliance order, then an appearance ticket may be issued as provided hereinafter.

c) Appearance Tickets. Town of Chester Police Department, the Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of this Chapter.

d) Penalties. Any person who violates any provision of this Chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties of a fine not less than \$50.00, but not more than \$150.00. Subsequent violations by the same person shall be subject to penalties of a fine not less than \$150.00, but not more than \$250.00. For violations occurring between the hours of 7:00 p.m. and 10:00 p.m., the fine shall be increased by a factor of 1.5. For violations occurring between the hours of 10:00 p.m. and 7:00 a.m. will be increased by a factor of 2.0. If a person served with an initial notice of violation fails to cease the violation within 30 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.

e) The Town Board of the Town of Chester may amend the penalties for violations of this chapter by duly authorized Resolution of the Town Board.

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.

**TOWN OF CHESTER
RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 6 OF 2024
A LOCAL LAW AMENDING CHAPTER 66 OF THE TOWN CHESTER TOWN CODE, ENTITLED
"NOISE POLLUTION CONTROL"**

WHEREAS, the Town of Chester desires to refine the Town’s existing Noise Pollution Control chapter to better enforce noise violations for the health, safety and welfare of Town residents and businesses; and

NOW THEREFORE BE IT RESOLVED, that INTRODUCTORY LOCAL LAW 6 OF 2024, A LOCAL LAW AMENDING CHAPTER 66 OF THE TOWN CHESTER TOWN CODE, ENTITLED "NOISE POLLUTION CONTROL" is hereby introduced before the Town Board of the Town of Chester; and

BE IT FURTHER RESOLVED that a copy of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, after comparing the thresholds in 6 NYCRR 617.4 and 617.5, the Board hereby determines that the proposed action is a Type II action for purposes of SEQR and that no further environmental review is required;

BE IT FURTHER RESOLVED that a public hearing shall be held on July 24, 2024 at 7:00 P.M. or as soon thereafter as may be heard at Town of Chester Town Hall, 1786 Kings Highway, Chester, NY 10918. The Town Clerk shall cause public notice to be published in the official newspaper as is required by law.

Motion – Dysinger
Second – Holdridge

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 <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

New Business:

INTRODUCTORY LOCAL LAW 7 OF 2024 - A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE-SCALE BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS WITHIN THE TOWN OF CHESTER

Be it enacted by the Town Board of the Town of Chester as follows:

Section 1. STATUTORY AUTHORITY, PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Chester under the New York State Constitution, and the Laws of the State of New York including, but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6(m)(10), Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10 (4(a), and (b) and (15); Town Law § 135, Town Law Article 16 inclusive; and Environmental Conservation Law § 3-0301(2)(m) and 8-0113.

This Local Law is intended to temporarily prohibit the creation or siting of large-scale battery energy storage system installations (as herein defined) within the Town of Chester for a period of up to twelve (12) months, pending the development and adoption of law laws and/or ordinances designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of large-scale battery energy storage system installations. The Town Board also recognized the need to review and examine its existing ordinances, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of large-scale battery energy storage system installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium, the Town of Chester shall work to prepare and eventually adopt new land use regulations to incorporate into the Town’s existing Zoning Code.

At this time, there are no pending applications for the location, development or site plan approval of large-scale battery energy storage system installation.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape and to mitigate potential

undesirable and adverse environmental impacts that may be associated with such use. The existing Town of Chester Zoning Code may not adequately regulate such land use and if such development is permitted during this time, the goals of the Town could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Town of Chester Zoning Code in the interest of the public health and safety.

Section 2. DEFINITIONS

For the purpose of this Local Law, the following terms shall have the meanings as set forth below:

Large Scale Battery Energy Storage System Installation(s) – Any installation of a rechargeable energy storage system having an aggregate energy capacity of 600 kWh or more, consisting of electrochemical storage batteries or similar technology, battery chargers, controls, power condition systems, inverters, transformers, switchgears and associated electrical equipment designed to store electrical power received from a generating or transmission source and periodically discharging power from the battery energy storage system into the power grid.

Systems typically used to provide standby or emergency power and/or an uninterruptible power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or business on site and having an aggregate energy capacity of less than 600 kWh shall not be considered a “Large Scale Battery Energy Storage System Installation” for purposes of this Moratorium

Section 3. TEMPORARY MORATORIUM AND PROHIBITION

A. Unless permitted pursuant to Section 4 hereafter, from and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Chester, for the construction, establishment, or use or operation of any land, body of water, building or other structure located within the Town of Chester for any Large-Scale Battery Energy Storage System Installation, as defined above.

B. Unless permitted pursuant to Section 4 hereafter, from and after the date of this Local Law, no person, entity or business shall use, cause, or permit to be used, any land, body of water, building or other structure located within the Town of Chester for any Large-Scale Battery Energy Storage System Installation, as defined above.

C. The prohibitions set forth in Clauses A and B of this Section 3 are not intended and shall not be construed, to prevent or prohibit the use and development of battery energy storage systems that are typically used to provide standby or emergency power and/or an uninterruptible power supply, load shedding, load sharing, or similar capabilities and that are for personal or individual use on or about any residence or place of business, or any farm operation, so long as such use does not have any aggregate energy capacity of 600 kWh.

D. This moratorium and prohibition shall be in effect being on the effective date of this Local Law and shall expire on the earlier of (i) that date which is twelve (12) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

E. This moratorium and prohibition shall apply to all real property within the Town of Chester, and all land use applications for the siting or creation of a Large-Scale Battery Energy Storage System Installation within the Town of Chester.

F. Under no circumstances shall the failure of the Town Board of the Town of Chester, the Zoning Board of Appeals of the Town of Chester, the Planning Board of the Town of Chester, or the Code Enforcement Officer and/or Building Inspector for the Town of Chester to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, certificate of occupancy, certificate of compliance, temporary certificate, or any

other Town level approval related to Large-Scale Battery Energy Storage System Installation constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 4. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

A. In order to prevent unlawful taking of property and to prevent irreparable harm, the Town Board is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property with any of the uses permitted in the relevant zoning district; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium. Any relief granted by the Town Board shall be the minimum necessary and the Town Board may impose conditions on any relief granted.

B. All such applications for relief shall be deemed Unlisted actions under SEQRA. The Town Board shall be declared lead agency for such applications.

C. The applicant or any other person aggrieved by a decision of the Town Board hereunder may apply to the New York State Supreme Court pursuant to Article 78 of the Civil Practice Laws and Rules.

D. In the event relief from the moratorium is granted by the Town Board, the applicant shall proceed to other Town board(s) to apply for required development approval(s). Notwithstanding any relief granted pursuant to this section, development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.

E. Following a written request for hardship variance relief, within sixty (60) days of receipt of such request, a noticed public hearing shall be held, at which hearing the Town Board, may, but is not limited to consider:

- i. The proximity of subject premises to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.
- ii. The impact of the proposed application on the subject premises and upon the surrounding area.
- iii. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect on the aesthetic resources of the community.
- iv. Compatibility of the proposed application with the recommendations of the Town of Chester Planning Board, Building Inspector, Town Planner and Town Engineer.
- v. The written opinion of the Town of Chester Planning Board and Code Enforcement Officer/Building Inspector that such application may be jeopardized or made impractical by waiting until the moratorium is expired.
- vi. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as a result of this moratorium.
- vii. Such other considerations as may be identified by the Town Board.

F. In making a determination concerning a proposed exemption or grant of relief from this moratorium, the Town Board may obtain and consider reports and information from any source it deems to be reliable and helpful with the review of said application. A grant of relief from the moratorium shall include a determination of unreasonable hardship upon the property owner which unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with the Town of Chester Zoning Code and the recommendations of the Comprehensive Plan.

G. An application for relief shall be accompanied by a fee of \$ 500.00, together with an applicant's written undertaking in a form to be approved by the Attorney for the Town to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including by not limited to any fees incurred by the Town of services provided by the Town Engineer and Attorney to the Town.

Section 5. NOTICE TO APPLICANTS - CHANGE IN ZONING REQUIREMENTS.

This section provides notice to all applicants that although an application authorized in Section 4 above may proceed through the Planning Board and/or Zoning Board of Appeals review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in subdivision or planning and zoning requirements. A development approval shall not be granted unless the approved application complies with all subdivision or planning and zoning and other requirements in effect on the date of approval.

Section 6. VIOLATIONS AND PENALTIES

Violation of this local law shall be deemed a violation of the Town of Chester Town Code, Chapter 98 and the penalties set forth in § 98-35 shall apply.

Section 7. CONFLICTS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control.

Section 8. SUPERSESION OF INCONSISTENT LAWS, IF ANY

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Town Law or other special law that may be declared inconsistent or in conflict with this local law. The state law provisions that shall be, and hereby are, superseded include, but are not limited to, all of Article 16 of the State of New York Town Law, and any other provision of law that the Village may supersede pursuant to the state Municipal Home Rule Law and the Constitution of the State of New York, The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 9. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

Section 10. EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**TOWN OF CHESTER
TOWN BOARD
RESOLUTION TO INTRODUCE INTRODUCTORY LOCAL LAW 7 OF 2024,
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE-SCALE
BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS WITHIN THE TOWN OF CHESTER**

WHEREAS, the Town Board of the Town of Chester recognizes that Battery Energy Storage System Installations are being developed throughout the Hudson Valley, and

WHEREAS, the Town Board desires to put a temporary halt on such development to allow the Town of Chester, its Comprehensive Plan Committee and its consultants to develop and implement adequate regulations for the siting and operation of such facilities in the interest of the residents' health, safety and welfare; and

NOW THEREFORE BE IT RESOLVED, that INTRODUCTORY LOCAL LAW 7 OF 2024, A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING LARGE SCALE BATTERY ENERGY STORAGE SYSTEM INSTALLATIONS WITHIN THE TOWN OF CHESTER is hereby introduced before the Town Board of the Town of Chester;

BE IT FURTHER RESOLVED that a copy of the aforesaid introductory local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, after comparing the thresholds in 6 NYCRR 617.4 and 617.5, the Board hereby determines that the proposed action is a Type II action for purposes of SEQR and that no further environmental review is required; and

BE IT FURTHER RESOLVED that a public hearing shall be held on July 24, 2024, at 7:00 P.M. or as soon thereafter as may be heard at Town of Chester Town Hall, 1786 Kings Highway, Chester, NY 10918. The Town Clerk shall cause public notice to be published in the official newspaper as is required by law.

BE IT FURTHER RESOLVED that said Introductory Local Law be referred to the Orange County Department of Planning and the Town of Chester Planning Board.

Motion by: Holdridge
Second by: Dysinger

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 <u>X</u>	No ___	Abstain ___	Absent ___

ADOPTED

TOWN BOARD COMMENTS

Council Member Courtenay noted the Music Theater Camp has over 30 people signed up and might be a Segway for future camp ideas. He reported DGM has offered help on ads for the rental of the theater for conferences but is looking to come up with numbers for fees. Supervisor Holdridge said the SLPAC Advisory Board will be looking at redoing our fee schedule. Council Member Courtenay thanked Parks and Recreation for taking 23 kids to Land of Make Believe, in which he accompanied.

Supervisor Holdridge commented on news editorial theories as ridiculous. He explained the current CAC Chair, Martine, was recommended by an independent vote of the committee. He added there is no pay to play and no Town Board members were present at the meeting, and accepted the committee's recommendation.

PUBLIC COMMENT

Lauren VanPamelen, Lake Station Road, resident and local business owner, addressed the Board concerning the noise ordinance which, she said, benefits residents but negatively affects Chester businesses. She read from the “Common Noise Levels in DB” from the Center for Hearing and Communication (CHC) Noiseawareness.org and commented the allowable 75 decibels in commercial district is lower than a household blender and would stop live music. She said her business, Tin Barn, draws business to Chester and other local business. She provides local employment to 16 residents plus pays taxes to the Town. Mr. VanPamelen added the law is slightly weighted to complaints and not the comments from happy consumers. Attorney Cassidy advised that the comments allowed tonight be resubmitted for the public hearing on July 24, 2024.

Colleen Collins, via FB, asked about the Palmer property for sale. She asked that we save exit 127. Supervisor Holdridge explained that part of the now County owned land was sectioned off and the house with 10-acre lot is for sale.

Connie Roach, via FB, asked if the Ridge Road purchase would be a referendum. Supervisor Holdridge replied that a permissive referendum is required on the funding of a purchase.

Danielle Robbie, via FB, thanked P&R for the amazing trip to Land of Make Believe.

ADJOURNMENT

ON A MOTION OFFERED BY Council Member Ardisana and second by Council Member Dysinger to adjourn the meeting at 8:45pm, there being no further business brought before the Town Board.

VOTE: AYES(5): Holdridge, Ardisana Becker, Courtenay, Dysinger

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2024-06-26