

**Village of Chester  
Board of Trustees Meeting  
June 10, 2013**

The Board of Trustees of the Village of Chester held their monthly business meeting in the Village Hall meeting room on Monday, June 10, 2013. Members present: Mayor Philip Valastro, Deputy Mayor Philip Roggia, Trustee John J. Collins, Trustee Betty-Jo Bono, and Trustee John T Bell. Also present: Village Attorney Ian Schlanger, Village Treasurer Angela O'Neill, Police Chief Peter Graziano, Street Superintendent, Charles Bono, and Village Code Enforcement Officer, John Orr. Village Water Treatment Operator, Thomas Becker, was not present. In the audience: Gordon Shehab, Nikki Mayer, Ginny Previtar, and Carole Duffy.

Mayor Philip Valastro opened the meeting at 7:00 PM with the Pledge of Allegiance.

**AUDIT OF BILLS:** Mayor Philip Valastro noted audit of monthly bills for approval was complete.

**APPROVAL OF MINUTES:** Mayor Philip Valastro made mention that due to unforeseen circumstances the Village monthly business minutes of May 13, 2013 will be submitted at the July 8, 2013 meeting. Mayor Philip Valastro opened the meeting at 7:00 PM

**TREASURER'S REPORT:** Treasurer Angela O'Neill read report as follows:

**CASH BALANCES ENDING April 30, 2013**

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<b><u>General Fund</u></b>				
Checking	279,407.96	312,219.87	12.94	91,564.80
Savings	--	76,598.98	649.29	3,041,531.93
<b><u>Water Fund</u></b>				
Checking	47,695.13	42,690.50	16.63	186,966.67
Capital MM	--	--	5.24	62,886.89
Capital Checking	--	--	--	Closed
<b><u>Sewer Fund</u></b>				
Checking	52,524.01	116,357.77	30.36	314,081.42
MM Saving	--	--	--	Closed

**Cumulative Fiscal Year Interest Earned by Fund 06/01/2012 – 05/31/2013**

General Fund	8,822.37
Water Fund	475.97
Sewer Fund	692.02

**Treasurer's Discussion:**

- (1) **EXPENSE CONTROL REPORT:** Year to Date Expense Control Reports for all funds has been e-mailed to you for your review. If you have any specific questions related to this document, please feel free to discuss with me.
- (2) **REVENUE CONTROL REPORT:** Year to Date Income Control Reports for all funds has been e-mailed to you for your review. If you have any specific questions related to this document, please feel free to discuss with me.
- (3) **2013-2014 BUDGET MODIFICATIONS:** A Budget Modification Worksheet (attached) is being presented. At this time, I ask the Board to approve the transfers required to address sweeper purchase and dump truck purchase.
- (4) **SEWER ADJUSTMENT/REIMBURSEMENT:** Per attached list, sewer accounts need to be adjusted. I ask for the Board's permission to make the adjustments.

A motion to adjust and reimburse sewer account was made by Trustee John T Bell, second by Betty-Jo Bono. Motion unanimously passed.

A motion to approve the Treasurers report was made by Trustee Betty-Jo Bono, second by John T. Bell. Motion unanimously passed.

**BUILDING REPORT:** Building Inspector/Code Enforcement Officer John Orr was not present. Mayor Philip Valastro read report as follows:

Current projects that were inspected during the last month:

Tartaglione – 69 Brookside Ave.

1- No change from last month.

Marco – 118 Main Street

1 – No work has started.

Houston – 51 Meadow Ave

1- Work complete Certificate of Occupancy Issued.

Boodles – 37 Main Street

1- Work continues.

Kramer – 22 Maple ave

1- Work Complete.

Bukowski – 16 Chester Acres Blvd.

1- Issued permit for an addition.

Wittekind – 11 Greycourt Ave

1- Issued permit for an addition.

Smith – 65 Greycourt Ave

1- Issued permit for placement of 2 mobile homes.

On May 28th I met with a couple of member of the planning board and Village Board to review the prior proposed sign code changes. After a very productive meeting we have a new document for your review. The changes to the last submitted proposal are minor with some wording changes and such.

**POLICE REPORT:** Police Chief Peter Graziano was present and read his report as follows:

1. Personnel:

- Request from the Board to appoint Officer Joseph Guarneri as a part-time Officer pending final approval of Orange County Human Resources. Officer Joseph Guarneri has successfully completed all phases of the background process.

2. Citizen Issues:

- Received a thank you letter from Miss Valastro for the Ride-a-long last month.

3. Public Safety Issues:

- Traffic Details: Continuing.
- Received a thank you from the Town of Woodbury PD for the use of our metal detectors to search for evidence relative to remains found near the Woodbury Commons.
- Village of Chester PBA Carnival: Will be held 18-23 June in the industrial in the field across from the Park & Ride (Nucifora Blvd. & Elizabeth Dr.) Residents should be aware of possible traffic issues in the area.

4. Facilities:

- No issues

5. Equipment:

- Livescan: We have secured a Livescan Fingerprint System grant through the Division of Criminal Justice Services valued at \$18,796.10. This will enable us to comply with the current state mandate of 2010 that fingerprints and arrest data be transmitted electronically.

6. Vehicles:

- 724 (2009): Air Conditioning/Axle problem. One of the cooling fans isn't working and the air conditioning stops working. The left axle is leaking grease. Healey is repairing the axle; the street department will replace the cooling fan.
- 725 (2010) Air Conditioning problem. In the process of being diagnosed

Call Type	2013
Calls for Service	2140
Criminal Cases	218
Arrests	117
Traffic Accidents	104

A motion to appoint Officer Joseph Guarneri as a part-time Officer pending final approval of Orange County Human Resources was made by Trustee John T Bell, second by Trustee Betty-Jo Bono. Motion unanimously passed.

**HIGHWAY REPORT:** Street Superintendent Charles Bono was present and read report as follows:

NYS DOT has completed installing the gabion baskets next to the hill by the fire house. They graded off the soil on the back side of the gabion baskets and planted grass and put down hay.

Roberts Contracting Inc. installed the new roof on the salt barn. In the process of installing the roof they also had to replace 8 sheets of plywood that was bad. I called Justin Shroyer from Cunningham Lindsey about the new quotes that we emailed him. He said he readjusted the figures to what the prevailing wage scale was and he submitted it to Shannon at H.C.C. Claims Service. Justin said that he spoke Shannon and she did not see any problems with the increase in the claim due to the paying prevailing wage. He wanted to confirm it with Shannon today, but she is on vacation this week so he will try to make contact with her next week.

We spent some time going around the village trimming tree limbs that were hanging out over the sidewalks and blocking the view of street signs and speed limit signs.

We have completed our 1st round of roadside mowing, weed whacking and picking up garbage throughout the village. (Including the industrial park) We continue with the normal weekly sweeping, mowing and picking up of bags and brush.

The street department would like the boards' approval to accept the bid from Gannon Municipal Inc. to purchase a new sweeper.

Street superintendent Charles Bono added that the opening of the bids was June 3, 2013 and as for the old sweeper, it will be taken out of service and used for occasional leaf vac and as the chipper.

**WATER REPORT:** Water Treatment Operator Thomas Becker was not present. Report submitted but was not read.

- 1= Daily Filtration plant and Well #12 routine.
- 2= At the filtration plant EFM Filter Membrane cleanings are being done twice each week.
- 3= Weekly mowing at all water facilities are being done.
- 4= The water dept. is locating and replacing house curb valve boxes that are broken or buried to deep.
- 5= The lawn at the Princeton Street water tower has been repaired after Cell tower improvements made this winter created large ruts in the lawn.
- 6=We had a New York Rural Water circuit rider do leak detection on Main St and Brookside Ave to check for possible water leaks. No leaks were found.
- 7= Water main flushing for the Spring has been completed.
- 8= Repairs were made to the hydrant across from the Village Hall.
- 9= A 6 inch riser was installed on a hydrant by club house two in Whispering Hills.

**PARK & RECREATION:** No report submitted.

**OTHER BUSINESS:**

**Resolution Reducing the Sewer Assessment for the Hambletonian Auto Spa.**

**WHEREAS**, Somers Enterprises, L.L.C. operates the Hambletonian Auto Spa (the "Auto Spa") an attended automated car wash located at 1 Bryle Place, Chester, New York, which car wash utilizes a water reclaim recycling system that substantially reduces its water consumption; and

**WHEREAS**, the Village Code of the Village of Chester (the “Code”) provides for a reduced sewer assessment for self-service car washes that utilize a water recirculation system, but fails to address automated car washes that utilize a similar water recirculation system; and

**WHEREAS**, the Auto Spa has requested an equitable reduction in its sewer assessment based on its utilization of a water recycle/recirculation system; and

**WHEREAS**, the Mayor and the Village Board of Trustees of the Village of Chester (the “Village Board”) find that a reduction is warranted, fair and equitable and reflects the spirit of the Code,

**NOW, THEREFORE**, be it hereby

**RESOLVED** that, the Village Board hereby reduces and sets the sewer assessment for the Auto Spa at 109 units for Debt Service and Maintenance for the 2013-2014 billing cycle; and be it further

**RESOLVED**, that Village Treasurer and Village Clerk are hereby ordered and authorized to take the necessary steps to effectuate the above, including, but not limited to, modifying the Auto Spa’s sewer bill for 2013-2014.

Introduced By: Trustee John T Bell

Seconded By: Trustee Betty-Jo Bono

On a vote of 5 to 0, the resolution was adopted

**Resolution Settling Litigation with the Town of Chester and BT Holdings LLC:**

**WHEREAS**, on or about the 17th day of January, 2008, BT Holdings, LLC (“BT Holdings”), the owner of a majority in assessed valuation of real property in certain territory in the Town of Chester, New York, presented to the Town of Chester Town Board (the “Town”) and the Village of Chester Village Board (the “Village”) a petition for annexation of said territory to the Village pursuant to General Municipal Law (“GML”) §712 (4)(b); and

**WHEREAS**, said territory consists of a ±60.568 acre parcel designated as Town of Chester Tax Parcel Section 2, Block 1, Lot 39, as more particularly described in Schedule A hereto (the “Annexation Lands”); and

**WHEREAS**, it has been and continues to be BT Holdings’ intent to develop the Annexation Lands together with two adjoining parcels in the Village as a residential development; and

**WHEREAS**, a joint hearing was conducted by the Town and the Village upon said petition pursuant to GML §805 on March 26, 2008 which hearing was adjourned and held open pending completion of the environmental review of the annexation petition under the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, on December 12, 2011, the Village, as SEQRA Lead Agency, completed the SEQRA review of the annexation petition and issued SEQRA Findings; and

**WHEREAS**, further hearings on the annexation petition were conducted by the Village and/or Town on January 19, 2012 and February 22, 2012; and

**WHEREAS**, on April 2, 2012, the Village voted to approve the annexation petition and issued an Order that the annexation was in the overall public interest; and

**WHEREAS**, on May 9, 2012, the Town issued its own SEQRA Findings and then voted to deny the annexation petition; and

**WHEREAS**, the Village determined and found that adverse impacts would not occur or were mitigated to the maximum extent practicable; and

**WHEREAS**, the Town’s principal reasons for denying the annexation were a series of alleged identified adverse environmental impacts the Town believed would result from the size and scale of BT Holdings’ proposed residential development; and

**WHEREAS**, on June 15, 2012, the Village commenced this Special Proceeding against the Town pursuant to GML §712 seeking to overturn the Town’s May 9, 2012 denial of the annexation petition and its finding that the annexation is not in the overall public interest (the “GML Litigation”); and

**WHEREAS**, the Village and BT Holdings also commenced an Article 78 Proceedings against the Town seeking annulment of the Town’s SEQRA Findings issued on May 9, 2012 (the “Art. 78 Litigation”); and

**WHEREAS**, on August 27, 2012, BT Holdings was granted, upon motion to the Court, party status in the GML Litigation; and

**WHEREAS**, on December 17, 2012, the Supreme Court annulled the Town's May 9, 2012 SEQRA Findings and ordered the Town to issue new Findings supported by analytical and empirical data and information on the seven issues of concern raised in its SEQRA Findings; and

**WHEREAS**, during the course of these proceedings the parties have worked, in good faith, to reach a mutually satisfactory resolution to these matters that would avoid the time and cost of further litigation of these; and

**WHEREAS**, the parties have now reached a settlement that reduces BT Holdings' residential development from the 458 residential units originally proposed to a maximum of 340 residential units with no less than 100 of those units age-restricted per the EIS; and

**WHEREAS**, the attorneys for the Village, Town and BT Holdings, have drafted stipulations of settlement, attached hereto, which settles both the GML Litigation and the Art. 78 Litigation; and

**WHEREAS**, the Village has had an opportunity to review the settlement of these matters and to discuss the same with the attorney for the Village, and that the Village Board is satisfied that the proposed settlements are just, reasonable, and in the best interest of the Village of Chester,

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that, the Village accepts and adopts the terms of settlement, as more completely outlined in the stipulations of the settlement attached hereto and now incorporated herein, subject to the Town's adoption of the same; and be it further

**RESOLVED**, that the Mayor and Village Attorney are hereby authorized to execute the stipulations of settlement, in substantially the same form, and upon the same material terms as presented and adopted by this resolution, and take such other and further steps as may be necessary to effectuate the settlement of the GML Litigation and Art. 78 Litigation, if and after the Town has authorized settlement on the same terms as presented and adopted by this resolution, and if and after the Town Supervisor or such other authorized Town agent has executed the stipulations.

Introduced By: Trustee John T Bell

Seconded By: Trustee Betty-Jo Bono

On a vote of 5 to 0, the resolution was adopted

**Accepting Bid for Street Sweeper**

**WHEREAS**, the Village of Chester Street Superintendent (the "Street Superintendent"), as authorized by the Village Board of the Village of Chester (the "Village Board"), solicited bids for the following equipment:

(1) 8.5 cubic yard, single gutter broom, vacuum street sweeper, truck mounted on cab over chases; and

**WHEREAS**, on June 3, 2013, all bids received by the Street Superintendent and the Village Board, were opened and the bids were as follows:

BIDDER: TOTAL BID AMOUNT: Gannon Municipal, Inc. \$249,949.00; and

**WHEREAS**, Gannon Municipal, Inc.'s ("Gannon") bid, as the only bid, was reviewed by the Street Superintendent and found to be responsive to the bid specifications, and Gannon was further found to be a responsible bidder; and

**WHEREAS**, the Street Superintendent, having so reviewed the bid, recommends that the Village Board accept Gannon's bid; and

**WHEREAS**, the Village, by and through the Mayor, sought to negotiate with Gannon to reduce the price offered, and as a result of those negotiations Gannon agreed to reduce the purchase price of the equipment from \$249,949.00 to \$235,000.00,

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that the Village Board hereby adopts the findings and recommendations of the Street Superintendent, and finds that Gannon's bid, was responsive, and that Gannon is a responsible bidder;

and be it further

**RESOLVED**, that Gannon's reduced bid of \$235,000.00 is hereby accepted and that a contract be awarded to Gannon under such terms of payment offered in the Bid and as may be deemed advisable by the Village Board; and be it further

**RESOLVED**, that the Mayor is hereby authorized to enter into a contract with Gannon for the purchase of the equipment.

Introduced By: Trustee John T Bell

Seconded By: Trustee Betty-Jo Bono

On a vote of 5 to 0, the resolution was adopted

**Emergency Purchase of a Dump Truck for the Village's Street Department.**

A motion to authorize the Street Superintendent to go out to bid for the purchase of a Dump Truck for the Village Street Department was made by Deputy Mayor Philip Valastro, second by Trustee John J Collins. Motion unanimously passed.

**Resolution Directing Public Hearing on Proposed Local Law 2 of 2013 Amendment to Chapter 98 Zoning:**

**WHEREAS**, on this 10th day of June, 2013, a proposed local law was introduced, proposed Local Law #2 of 2013 "Amendment to Chapter 98 Zoning"; and

**WHEREAS** the Village Code, requires the Village Board, prior to any public hearing, to submit the proposed requested changes to the Village's zoning laws to the Planning Board of the Village of Chester (the "Planning Board") for a report on the proposed amendment; and

**WHEREAS**, the Village Board is informed that a report from the Planning Board can be, and will be, submitted before the next Village Board meeting; and

**WHEREAS** a public hearing is required to be held thereon

**NOW, THEREFORE**, be it hereby

**RESOLVED** that the Village Board will hold a Public Hearing at 6:45 P.M., on the 8th day of July, 2013, at the Village Hall, on the proposed Local Law entitled: Proposed Local Law #2 of 2013 "Amendment to Chapter 98 Zoning";

and be it further

**RESOLVED** that the Village Clerk give due notice of this public hearing in accordance with the Village Code and the Laws of the State of New York.

Introduced By: Trustee John T Bell

Seconded By: Trustee Betty-Jo Bono

On a vote of 5 to 0, the resolution was adopted

• **OC Office of Community Development:**

A motion to authorize Orange County Office of Community Development to Continue Mobile Office Hours at Locations throughout Orange County on the following date and time for the Village of Chester, Wednesday, June 12, 2013 from 9:30 – 10:30 am was made by Deputy Mayor Philip Roggia, second by Trustee Betty Jo Bono. Motion unanimously passed.

• **Bridgeside Insurance Agency:** 24 Main Street – Request relief for the May 2013 water bill. A motion to grant relief for May 2013 water bill for 24 Main Street was denied.

• **Scott Wilson:** 3 Meadow Terr., request to waive collection fee. A motion to waive the collection fee on the water account for 3 Meadow Terrace was denied.

- **PT/Summer Help:** requesting permission from Village Board to hire summer help to work on special projects in the clerk's office.

A motion to hire PT/Summer help was made by Trustee Betty-Jo Bono, second by Trustee John J. Collins. Motion unanimously passed.

**CALENDAR:**

- Village of Chester PBA Carnival – June 18 – 23 (new location – Industrial Park, Nucifora Blvd. & Elizabeth Drive. Weekdays opens at 6pm & Weekends opens at 1pm

**ADJOURN:**

A motion to adjourn the monthly business meeting and move into executive session was made by Deputy Phil Roggia, second by Trustee John T Bell. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera  
Village Clerk