

**Village of Chester
Board of Trustees Meeting Minutes
January 11, 2016**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Monday, January 11, 2016.

Members present: Mayor, John Tom Bell, Deputy Mayor, Betty-Jo Bono, Trustee, Christopher Battiato, Trustee, Alan Battiato and Trustee, Elizabeth Ann Reilly.

Also present: Village Clerk, Rebecca Rivera, Village Treasurer, Angela O'Neill, Village Street Superintendent, Charles Bono, Village Police Chief, Peter Graziano, Water Commissioner, Thomas Becker, Village Code Enforcement Officer, John Orr and Village Attorney, Henry Christensen.

Mayor, John Tom Bell opened the meeting at 7:00 PM with the Pledge of Allegiance.

AUDIT OF BILLS: Mayor, John Tom Bell noted that audit of the Village's monthly bills for approval was complete.

APPROVAL OF MINUTES: A motion to approve meeting minutes of November 9, 2015, December 7, 2015, regular meeting and re-organization meeting was made by Trustee Christopher Battiato, second by Trustee Alan Battiato. Motion unanimously passed.

APPOINTMENT OF NEW TRUSTEE: Mayor Bell mentioned that he received nine resumes and he would like to thank all that submitted their resume. The Mayor and Board of Trustee appointed Elizabeth Ann Reilly to vacant trustee seat. Village Clerk, Rebecca Rivera on this January 11, 2016, swore in Trustee Elizabeth Ann Reilly for the term of a year or until next general elections 2016. Motion unanimously passed.

Trustee Elizabeth Ann Reilly thanked the Mayor and the Board of trustee for appointing her as Trustee.

TREASURER'S REPORT: Village Treasurer, Angela O'Neill, read her report as follows:

CASH BALANCES ENDING DECEMBER 31, 2015:

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<u>General Fund</u>				
Savings (Sterling National Bank)	--	--	618.49	2,873,642.01
Checking(Orange County Trust)	931,165.75	917,237.27	14.72	111,799.31
M.M. (Orange County Trust)	--	860,044.47	281.38	2,244,175.94
<u>Water Fund</u>				
Capital Cap Checking	--	--	5.34	61,962.22
Checking	221,385.52	50,956.03	17.54	303,089.37
<u>Sewer Fund</u>				
Checking	57,491.73	302.08	26.28	418,752.32

Cumulative Fiscal Year Interest Earned by Fund 06/01/2015 – 05/31/2016

General Fund	5,978.61
Water Fund	131.75
Sewer Fund	241.92

Treasurer's Discussion:

1. **EXPENSE CONTROL REPORT:** Year to Date Expense Control Reports attached.
2. **REVENUE CONTROL REPORT:** Year to Date Income Control Reports attached.
3. **SEWER COLLECTION:** Sewer Collection continues. 3rd Installment is due by 12/31/15.

Treasure Angela O’Neill requested permission of the Board of Trustees to attend the GFOA (Government Finance Officers Association) annual conference in April 2016, in Albany, New York.

A motion to allow Treasure Angela O’Neill to attend the annual GFOA, (Government Finance Officers Association) conference in April 2016 in Albany, New York was made by Deputy Mayor, Betty-Jo Bono, second by Trustee Elizabeth Ann Reilly. Motion unanimously passed.

A motion to approve Treasurer’s report was made by Trustee, Elizabeth Ann Reilly, second by Trustee Alan Battiao. Motion unanimously passed.

BUILDING REPORT: Building Inspector/Code Enforcement Officer, John Orr, read his report as follows:

F&A – 41 Greycourt Ave

- 1- Work continues.

Meadow Hill Apartments.

- 1- Exterior framing complete building #4.
- 2- Framing underway on building #5.
- 3- Work continues on both building.

Steris Nucifora Blvd.

- 1- Site work continues.

Moccio – 21 Carpenter Road.

- 1- Addition almost complete.

Burger King – 3 Bryle Place

- 1- Certificate of Occupancy issued.

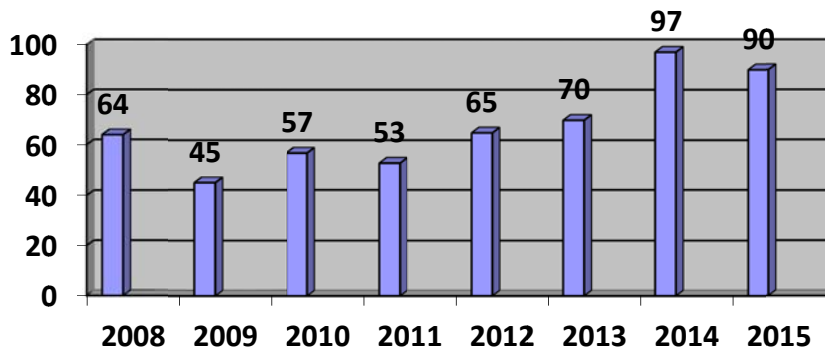
Q-Plaza – 69 Brookside Ave

- 1- Issued permit for the renovation of second floor for Real Estate office. (Keller William)

Total permits issued for 2015:

Additions	4	Renovations	16
New Construction	6	Signs	5
Decks	8	Gas Conversions	5
Re-roof	7	Sheds	2
Solar	28	Miscellaneous	9
Total issued 2015	90		

Permits Issued



Energy Efficiency – LED lights currently testing set up in lobby and upstairs conference room.

Village Code Enforcement Officer, John Orr mentioned that he has been working with the clerk and treasurer in obtaining quotes for new carpeting in Village Hall. Permission to get a quote to purchase carpeting in the range of 10k to 12k.

A motion to authorized Village Code Enforcement Officer, John Orr to get a quote and purchase carpeting for Village hall in the range of 10 to 12k was made by Trustee Alan Battiao, second by Trustee Elizabeth Ann Reilly. Motion unanimously passed.

POLICE REPORT: Police Chief, Peter Graziano, read his report as follows:

1. Personnel:

- Officer Thomas has submitted his resignation effective 31 January 2016. We are looking at several possible candidates.

2. Citizen Issues:

- No issues.

3. Public Safety Issues:

- Traffic Details: Continuing

4. Facilities:

- Police Garage – Restroom renovations in progress by the Water Department.

5. Equipment:

- No issues.

6. Vehicles:

- No issues.

7. Other:

- No issues

8. Department Activity YTD:

Call Type	2016	2015
Calls for Service	105	3586
Criminal Cases	019	811
Arrests	012	562
Traffic Accidents	007	218

STREET REPORT: Street Superintendent, Charles Bono, read his notes as follows:

MONTHLY MEETING REPORT FOR JANUARY

December was a good month for the street dept. due to the warm weather we spent a day finishing up on our blacktopping. We blacktopped the ditch line where the water dept. repaired the service line going to the Castle.

We put down Gabion Stone around the inlet and outlet of the culvert pipe by 39 Greycourt Ave. that the county installed for us, to keep the water from washing out the soil on the banks.

Our equipment for snow and ice control has been installed. We still have a few more pieces of equipment to service.

We were called out one time during the month of December to deice and clear the streets. On December 29, we had Sleet and Freezing Rain that accumulated about 1inch of sleet on the streets, before it all changed over to just plain rain. The storm required one round of salt and sand and the streets were plowed two times. After the storm, the equipment was wash and serviced for the next storm.

We spent a few days at the dump loading up old culvert pipes and metal and hauling them to Sims Metal Management.

We have been going around picking up Christmas trees a couple times a week when possible. Just a reminder that the last day the street dept. will be picking up Christmas Trees will be January 31, 2016.

Bulk collection will resume April 1, 2016.

WATER REPORT: Water Commissioner, Thomas Becker read water report as follows:

- 1= Daily filtration plant and well #12 routine each morning.
- 2= We completed the work on the Police dept. garage bathroom.
- 3= At the filtration plant twice weekly EFM filter membrane cleanings have been done the quarterly CIP filter membrane cleanings were also completed and the generator was serviced.
- 4= We inspected the installation of water main at the new apartments on High St. and at the new Steris facility. We also did the pressure testing of the water main at both locations.
- 5= We are still cleaning main line valve boxes in the Village.
- 6= Quarterly meters have been read.
- 7= On 12-30-2015 at the Emergency services center the orientation meeting to review the Emergency Action Plan for the Walton lake dam took place.
- 8= Monthly reports have gone out the Health dept. and we have started our water audit for 2015.
- 9= Twice monthly distribution system bacteria samples were taken and or quarterly THM, HAA5, Iron & mang. Testing has been done.
- 10= At our February meeting Tom Sprague from Schmitt's Wholesales will attend the meeting to discuss new Badger meters I would like to start using in the Village.

PARK & RECREATION: Email received from Park & Recreations:

- Trip to Mohegan Sun, February 11, 2016
- The Philadelphia Flower Show, March 7, 2016, Leaves Town Hall @ 8:00am, Leaves show @ 3:30pm. For more information contact Park & Rec @ 845-469-7000 ext. 8

OTHER BUSINESS:

Resolution Amendment of the Village Procurement Policy

On Motion of Trustee, Elizabeth Ann Reilly, seconded by, Deputy Mayor, Betty-Jo Bono, is resolved that:

WHEREAS, at the December 2015 meeting of the Mayor and Trustees, a public hearing was set for January 11, 2015, concerning proposed revisions to the Procurement Code of the Village of Chester, and

WHEREAS, on January 11, 2015, such public hearing was called to order and any member of the public was invited to be heard on the subject, and

WHEREAS, such public hearing was duly closed, and the Mayor and Trustees having considered any and all Comments made by the public, and the same having been recorded, and there appealing to be good and sufficient reason that such revisions should be made

NOW, THEREFORE, be it

RESOLVED that Local Law #1 of 2016 in the form presented to this meeting is hereby adopted.

A local law entitled "Amendment to Chapter 20 Procurement Policy"

Be it enacted by the Board of Trustees of the Village of Chester, in the County of Orange, as follows:

Section 1. The Code of the Village of Chester Chapter 20, Procurement Policy, Section 20-1, Initial review of purchases, is amended as follows:

Replace the amount "\$1,000" with the amount "\$7,500" in two places in Section 20-1, so that, as so Amended, Section 20-1 shall read:

"§20-1. Initial review of purchases.

Every purchase to be made must be initially reviewed by the Village officer, board, department head or other individual with the requisite purchasing authority (hereinafter "purchaser") to determine whether it is a purchase contract or a public works contract. Once that determination is made, the purchaser shall make a good faith effort to determine whether the cumulative amount likely to be spent by the Village in a fiscal year on the particular item of supply or service exceeds, or will exceed, the monetary limits requiring competitive bidding, taking into account past purchases. In making such a determination, the purchaser shall canvas other Village departments whenever necessary or appropriate. If the purchase, whether budgeted for or not, shall exceed \$7,500.00 for a purchase contract or \$7500.00 for a public works contract, than the purchaser must, in addition to the other requirements contained in this Chapter, obtain the approval, by majority vote, of the Board of Trustees of the Village. The information gathered and the conclusions reached shall be documented and filed with the Village Clerk, who shall keep the same with the file or other documentation supporting the purchase activity."

Section 2. replace the amount "\$500" with the amount "\$1,000" in two places in Section 20-3.A, so that, as so amended, Section 20-3.A shall read:

"A. All goods and services, except as provided in §20-7 below, will be secured by use of written requests for proposals (RFP), written quotations, verbal quotations or any other method determined by the purchaser to assure that goods will be purchased at the lowest price and that favoritism will be avoided. Unless the purchaser determines to use another method and documents why such other method will assure that goods will be purchased at the lowest possible price and that favoritism will be avoided, the method to be used shall be:

Section 3. This Local Law shall become effective immediately upon filing with the Office of the Secretary of State pursuant to the Municipal Home Rule Law.

Introduced By: Trustee, Elizabeth Ann Reilly
Seconded By: Deputy Mayor, Betty-Jo Bono
On a vote of 5 to 0, the resolution was adopted

RESOLUTION Granting of a Cable Television Franchise Held by Time Warner Cable Northeast LLC in the Village of Chester, County of Orange, New York

STATE OF NEW YORK
Village of Chester
County of Orange

In the Matter of the Granting of a Cable Television Franchise Held by **Time Warner Cable Northeast LLC** in the **Village of Chester, County of Orange, New York**

RESOLUTION

An application has been duly made to the Board of the **Village of Chester, County of Orange, New York, by Time Warner Cable Northeast LLC** ("Time Warner Cable"), d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Chester, New York on January 11, 2016 at 6:40 PM and notice of the hearing was published in the Times Herald Record newspaper on December 18, 2015.

NOW, THEREFORE, the Board of the Village of Chester finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and

3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests

BE IT FURTHER RESOLVED that the Board of the Village of Chester hereby grants the cable television franchise of Time Warner Village of Chester for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Village of Chester hereby confirms acceptance of this Franchise Renewal Agreement.

The foregoing having received a 5 vote was thereby declared adopted.

Dated: January 11, 2016

Introduced By: Deputy Mayor, Betty-Jo Bono
Seconded By: Trustee, Christopher Battiato
On a vote of 5 to 0, the resolution was adopted

RESOLUTION APPROVING THE CHANGE OF INDIRECT CONTROL OF FRANCHISEE UNDER THE CABLEVISION OF WARWICK FRANCHISE

WHEREAS, Cablevision of Warwick, LLC ("Franchisee") owns, operates and maintains a cable television system (the "System") in the Village of Chester, New York pursuant to a cable television franchise ("Franchise") granted by the governing body of the Village of Chester (the "Franchise Authority"), and Franchisee is the current duly authorized holder of the Franchise; and

WHEREAS, pursuant to an Agreement and Plan of Merger ("Agreement"). Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. ("Acquiror"), will merge with Cablevision Systems Corporation ("Cablevision") (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the "Change of Control"); and

WHEREAS, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquiror has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

SECTION 3. This Resolution shall be deemed effective as of the date of its passage. This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.

In Witness Whereof, I have signed this certificate and have affixed hereto the seal of the Village of Chester.

Introduced By: Trustee, Alan Battiato
Seconded By: Trustee, Elizabeth Ann Battiato
On a vote of 5 to 0, the resolution was adopted

Resolution Authorizing Reimbursement of Medicare Part B Payments

WHEREAS, in providing The New York State Healthcare Plan as a healthcare plan option, the Village Board is required to reimburse each retiree's Medicare Part "B" payments; and

WHEREAS, the person identified in the attached list are entitled to reimbursement from the Village for their Medicare Part "B" payments,

NOW, THEREFORE, be it

RESOLVED, that the Mayor, Treasurer and/or Clerk of the Village are hereby authorized to reimburse those persons listed as eligible for reimbursement of their Medicare Part "B" payments.

Introduced By: Deputy Mayor, Betty-Jo Bono

Seconded By: Trustee, Christopher Battiato

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

Resolution Authorizing KIWANIS 5K Run:

WHEREAS, the Chester Kiwanis Club (the "Applicant") has requested the use of Main Street in the Village of Chester for the Kiwanis' Hambletonian 5K Race on May 28, 2016 (the "Event") from 8:45 am to 12:00; and

WHEREAS, the Applicant has promised to provide the Village with a certificate of liability insurance naming the Village of Chester as an additional named insured (the "Insurance Certificate"),

NOW, THEREFORE, be it hereby

RESOLVED, that the Applicant's request for use of the identified Village of Chester Property for the Event is hereby granted, subject to the Applicant providing the Village with the Insurance Certificate.

Introduced By: Deputy Mayor Betty-Jo Bono

Seconded By: Trustee Alan Battiato

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

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO INITIATE INSURANCE LITIGATION

A Meeting of the Village Board of the Village of Chester was convened on January 11, 2016 at 7:00 p.m.

The following Resolution was duly offered and seconded to wit:

WHEREAS, the Village previously retained Special Counsel Feerick Lynch MacCartney, PLLC, and ("Special Counsel") to represent the Village in certain legal matters; and

WHEREAS, the Village requires Special Counsel to undertake representation of the Village in Litigation to be filed to obtain an indemnity and defense from any and all Insurance Companies or other entities or individuals from whom the Village is entitled to be provided with a defense and indemnity relating to Litigation brought against the Village entitled BT Holdings, LLC v. Village of Chester and the Village of Chester Board of Trustees, under Docket No. 15 Cv. 1986 (CM) in the United States District Court, Southern District of New York (the "Litigation"); and

WHEREAS, the Village desires to obtain a defense and indemnity concerning said Litigation as well as to recover the monies expended or to be expended for Attorney's fees, costs and disbursements in said litigation from the Insurance Companies or other entities or individuals and to relieve the burden on Village taxpayers with regard to the cost of said Litigation,

NOW, THEREFORE, it is resolved as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. Special Counsel is authorized to commence Litigation against any and all Insurance Companies or other entities or individuals against whom the Village has a cause of action where the Village is entitled to be provided with a defense and indemnify concerning the Litigation.

Section 3. Special Counsel shall only be entitled to payment for services rendered at its current hourly rate for said Litigation if, and only in the event, Special Counsel is successful in obtaining a defense and/or indemnity for the Village or the recovery of any Attorney fees expended by the Village in defense of this Litigation.

Section 4. This Resolution shall be effective immediately.

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

	<u>Yay</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Hon. John Tom Bell	[X]	[]	[]	[]
Deputy Mayor Betty-Jo Bono	[X]	[]	[]	[]
Trustee Christopher Battiatto	[X]	[]	[]	[]
Trustee Alan Battiatto	[X]	[]	[]	[]
Trustee Elizabeth Ann Reilly	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

Resolution Directing Public Hearing on Proposed Local Law 2 of 2016 Tax Cap Override Law of the Village of Chester

WHEREAS, on this 11th day of January, 2016, a proposed local law was introduced, proposed Local Law #2 of 2016 Tax Cap Override Law of the Village of Chester; 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 6:30 P.M., on the 8th day of February, 2016, at the Village Hall, on the proposed Local Law entitled: Proposed Local Law #2 of 2016 Tax Cap Override Law of the Village of Chester; 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: Deputy Mayor Betty-Jo Bono

Seconded By: Trustee Alan Battiatto

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

A motion to approve the renewal for the Met Life Dental Insurance plan 2016 for village employees was made by Deputy Mayor, Betty-Jo Bono, second by Trustee Alan Battiatto. Motion unanimously passed.

A motion to approve 2016 Annual Monthly Meeting Schedule was made by Trustee, Alan Battiatto, second by Trustee, Christopher Battitio. Motion unanimously passed.

Mayor and Board of Trustee received a letter from Jacob Deutsch, owner of Quickway Plaza requesting to have penalties waived on the accounts listed below. (Letter attached to minutes)

A motion to waive penalties on November 2015 water bills for Quickway Plaza, owner Jacob Deutsch, for the accounts listed below was made by Deputy Mayor, Betty-Jo Bono, second by Trustee Alan Battiatto. Motion unanimously passed.

- Account #51-919 (128.57)**
- Account #51-920 (29.53)**
- Account #51-921 (10.93)**
- Account #51-936 (34.41)**
- Account #51-063 (28.60)**

PUBLIC COMMENTS:

Annie Englehart of Whispering Hills asked the board about adding another stop sign in whispering hills by the Knollcrest Apartment complex.

Mayor Bell stated that the stop sign is not going to reduce the amount of speeders. The Mayor mentioned that they will look into and see what can be done.

Annie Englehart also mentioned that there is a light post missing in Whispering Hills.

Street Superintendent, Charles Bono is going to reach out to his contact at Orange and Rockland in and find out if in fact there is a light post missing.

CALENDAR

The Office will be CLOSED on January 18, 2016 in observance of the Holidays.

ADJOURNMENT

A motion to close meeting and go into executive session was made by Trustee, Christopher Battiato, second by Deputy Mayor, Betty-Jo Bono. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera
Village Clerk