

**Village of Chester
Board of Trustees Meeting Minutes
March 9, 2015**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Wednesday, March 9, 2015.

Members present: Mayor Philip Valastro, Deputy Mayor Carole Duffy, Trustee Betty-Jo Bono, Trustee John T Bell and Trustee Christopher Battiato.

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

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: A motion to accept the Village Board Meeting Minutes of November 2014's Special Board Meeting, December 2014 Regular Monthly Meeting, and January 2015 Regular Monthly Meeting, was made by Deputy Mayor Carole Duffy, and seconded by Trustee, Christopher Battiato. Motion unanimously passed.

Before proceeding to the Treasurer's report, Mayor Valastro announced that if anyone had trouble accessing the Village's website it was due to the reconstruction of the website in progress.

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

CASH BALANCES ENDING FEBRUARY 28, 2015:

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<u>General Fund</u>				
Checking	12,823.84	16,029.80	9.65	120,940.27
Savings	--	--	557.47	2,867,542.70
Checking (Orange County Trust)	429,108.41	556,200.14	12.01	72,686.67
M.M. (Orange County Trust)	--	386,958.88	170.58	1,301,172.93
<u>Water Fund</u>				
Checking	3,205.96	--	10.98	143,257.60
Capital M.M.	--	--	7.37	85,545.58
Checking (Orange County Trust)	29,481.90	45,464.96	14.58	45,464.96
<u>Sewer Fund</u>				
Checking	--	--	15.50	199,258.01
Checking (Orange County Trust)	23,630.10	26,504.31	.97	7,978.49

Cumulative Fiscal Year Interest Earned by Fund 06/01/2014 – 05/31/2015

General Fund	9,176.46
Water Fund	227.91
Sewer Fund	238.23

Treasurer's Discussion:

1. **EXPENSE CONTROL REPORT:** Year to Date Expense Control Reports submitted 3/6/15 via email.
2. **REVENUE CONTROL REPORT:** Year to Date Income Control Reports submitted 3/6/15 via email.
3. **2015-2016 BUDGET:** A tentative budget has been filed with the Village Clerk's Office.
4. **SEWER:** Unpaid sewer notices have been mailed. Unpaid sewer as of 3/31/15 will be re-levied on to 6/1/15 Village Property Tax Bill.
5. **BANKING:** Need the board members' permission to close out General Fund, Sewer Fund and Water Fund checking accounts.

A motion to allow Treasurer to close out the Village of Chester’s General Fund, Sewer Fund and Water Fund checking accounts was made by Trustee Betty-Jo Bono, second by Deputy Mayor Carole Duffy. Motion unanimously passed.

A motion to accept the Treasurer’s report as read was made by Trustee Betty-Jo Bono, second by Deputy Mayor Carole Duffy. Motion unanimously passed.

Chief Graziano presented Officer Gene Iannuzzi with Officer of the Year and Drug Arrest Award and Officer John Rader with The Most Improved Officer and Drug Arrest Award.

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

1. Personnel:

- Department Awards – Iannuzzi (Office of the Year, Drug Arrest Award)
- Rader (Most Improved Officer, Drug Arrest Award)

2. Citizen Issues:

- No Issues

3. Public Safety Issues:

- Traffic Details: Continuing.
- After a 5 month long investigation into drug trafficking, members of the Village of Chester Police Department executed a No-Knock search warrant on 16 Meadow Ave. Press Release attached.

4. Facilities:

- No Issues

5. Equipment:

- No Issues.

6. Vehicles:

- No issues.

7. Department Activity YTD:

Call Type	2015
Calls for Service	700
Criminal Cases	124
Arrests	094
Traffic Accidents	051

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

Satin – 32 Leone Lane

1- Work almost complete.

Sienko – 20 Oakland Ave

1- Interior work continues.

Previtera – 18 School St.

1- Home has been delivered.

2- Connections work underway.

Symrise – 45 Leone Lane (former Belmay)

1- Work continues.

BYK – 48 Leone Lane (former Chem-Chor.)

1- Work continues.

N2O – 2 Vadala Rd.

1- Interior connections continue.

F&A – 41 Greycourt Ave

1- No work has started.

Work is complete at the Depaulis blasting site.

Mr. Orr next requested permission to attend the NYS Floodplain & Storm water Conference Syracuse in April.

A motion was made by Deputy Mayor Carole Duffy, second by Trustee John T Bell, that Code Enforcement Officer, John Orr, be allowed to attend the NYS Floodplain & Storm water Conference Syracuse in April. Motion unanimously passed.

Discussion - Industrial Park Road Improvement:

Village Attorney, Ian L. Schlanger, gave a presentation to the Board on traffic issues coming from the industrial park during certain hours, in particular with making a right turn from Nucifora Blvd. on to Rt94/east. The traffic issues were recently studied in conjunction with the site plan approval process associated with Isomedix. Mr. Schlanger explained that it was the Planning Board's recommendation that the issue be dealt with. Mr. Schlanger explained the concept of creating an improvement district whereunder the costs of any of the road work involved could be passed onto the properties benefited by the improvement.

Village Planning Board Chairman, Rick Ramsdell, Mr. James Sweeney Esq., counsel for Isomedix, and Phil Greesley, a traffic consultant for Isomedix was also present.

Mr. Sweeney then gave a presentation on the issues involved and the mechanics behind the creation of an improvement district. Next, Mr. Greesley gave a presentation on the traffic issues and proposed solution.

STREET REPORT: No report.

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

1= Daily Filtration Plant and Well #12 routine.

2= At the Filtration Plant EFM filter membrane cleanings have been done twice each week. The high Iron & Manganese levels on the raw water have finally dropped down.

3= Ted Marks has given us a price to install a Whole building surge protector at Walton Lake Filtration plant. \$6121.55 will protect the generator transfer switch and the electronic devices in the filtration plant.

4= Our 2014 water audit has been completed and we have an unaccounted water amount of 7%.

5= the annual lake report and annual water withdrawal reports have been completed and sent to DEC.

6= Joe has continued to do snow removal on the sidewalks.

7= Last Month we had 2 water service line freeze ups and several meter freeze ups along with many internal pipes frozen throughout the Village.

8= Our two required bacteria samples for February were taken to the lab.

9= I have been working on organizing and updating water main our mapping.

10= On Walton lake dam I met with Dominic Green, John Vero and Tom Bell to find out how to get the county to get involved with the Engineering needed for the Dam.

Discussion was had about the purchase of a building surge protector for Walton Lake Filtration Plant.

PARK & RECREATION: Park & Recreation Director Walter Popailo was present and announced the following:

- Ice rink at Community Park was closed for the season. Once the ice melts the rink turns into a floor hockey rink and court for basketball. Park & Recreation will be installing the netting for the basketball hoops.
- Discussion was had about the Chester Fireworks for 2015. The Chester fireworks are scheduled for Saturday, July 11, 2015. The event is going to begin at 4:00 p.m., and will be an evening celebration with bands, bandstands and vendors. The fireworks will begin at dusk.

- Camp registration is underway and if you need any information about camp and/ application you can go to town website at www.Chester-ny.gov. Chester Park & Recreation has a Facebook page at Chesternyparks.
- Park & Recreation hired a new camp Director Kaitlyn Moran.
- Chester Senior Center was painted by the Bellvale Community and they will be replacing the ceiling. The Bellvale Community incurred the cost of the labor, paint and ceiling tiles.
- This year the Park & Recreation has scheduled three movie nights for 2015. Time and Location TBD.

OTHER BUSINESS:

Mayor mentioned that the next monthly business meeting will be changed to April 13, 2015.

A motion was made by Deputy Mayor Carole Duffy, second by Trustee John T Bell, to change monthly business meeting from April 6, 2015 to April 13, 2015. Motion unanimously passed.

Andrea Armstrong, of Unison, gave a presentation to the Village Board on Unison’s Offer to buyout current cell tower leases. The Village Board will table this item until further notice in order to review and discuss the offer by Unison to buyout current cell tower leases.

Resolution Directing Public Hearing on Proposed Village Budget:

WHEREAS a budget for the Village has been prepared for the 2015/2016 fiscal year; 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 13th day of April, 2015, at the Village Hall, on the proposed Village Budget for the 2015/2016 fiscal year;

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: Deputy Mayor Carole Duffy

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

Resolution Directing Public Hearing on Proposed Local Law 1 of 2015 Amendment to Chapter 82: Streets and Sidewalks - Interference with Public Thoroughfares Prohibited.

WHEREAS on this 9th day of March, 2015, a proposed local law was introduced, proposed Local Law #1 of 2015 “Amendment to Chapter 82: Streets and Sidewalks - Interference with Public Thoroughfares Prohibited;” 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., or as soon thereafter as the matter may be heard, on the 13th day of April, 2015, at the Village Hall, on the proposed Local Law entitled: Proposed Local Law #1 of 2015 “Amendment to Chapter 82: Streets and Sidewalks - Interference with Public Thoroughfares Prohibited;” 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 Carole Duffy

Seconded By: Trustee Betty-Jo Bono

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

Resolution Assigning All Cell Tower Revenue to the Water Fund:

RESOLVED, that, for the 2015-2016 Village Budget, any and all rent revenue generated from cellular leases for cellular towers located on properties designated for the Village Water Department shall be assigned to the Village's Water Fund.

Introduced By: Trustee John T Bell

Seconded By: Deputy Mayor Carole Duffy

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

Resolution Reducing, In Part, the Sewer Assessment for Chester Mall LLC:

RESOLVED, that, pursuant to Village of Chester Code §79-40, the Mayor and Board of Trustees of the Village of Chester hereby reduce the sewer units attributable to that portion of the Chester Mall LLC's ("Chester Mall") property, located at 78 Brookside Avenue, Chester, NY (SBL: 107-3-3), occupied by Colonial Bowling Lanes and GWS Tavern, from 272 units to 206 units: 86 Units for the bowling operation and 120 units (120 seats at 1 unit per seat) for the food services operation; and be it further

RESOLVED, that the Village Treasurer shall recalculate the Chester Mall's June 2014-May 2015 Sewer bill in accordance with the above-referenced adjustment, and refund, to Chester Mall, any excess paid above the adjusted bill.

Introduced By: Trustee Betty-Jo Bono

Seconded By: Deputy Mayor Carole Duffy

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

Resolution Approving Services and Parts Agreement with Pall Corporation for Replacement of Computer System at Walton Lake Filtration Plant:

RESOLVED, by the Mayor and Board of Trustees of the Village of Chester, that the agreement for services and parts with Pall Corporation, to, among other things, replace the computer system and software at the Village of Chester Water Filtration Plant, is approved in the amount of \$8,140.92, contingent on a contract review by the Village's attorney; and be it further

RESOLVED, that the Mayor is hereby authorized to execute the agreement and take such other and further acts that may be necessary to effectuate the above.

Introduced By: Deputy Mayor Carole Duffy

Seconded By: Trustee John T Bell

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

Resolution Approving Agreement with M&R Energy Resources Corp.:

RESOLVED, by the Mayor and Board of Trustees of the Village of Chester, that the agreement with M&R Energy Resources Corp. to provide natural gas services to the Village of Chester from 9/1/2015 to August 31, 2017 is hereby approved; and be it further

RESOLVED, that the Village's Treasurer is hereby authorised to execute said agreement and take such other and further acts that may be necessary to effectuate the above.

Introduced By: Trustee Betty-Jo Bono

Seconded By: Trustee John T Bell

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

Resolution Approving Agreement with Integrys Energy Services of New York Inc.:

RESOLVED, by the Mayor and Board of Trustees of the Village of Chester, that the agreement with Integrys Energy Services of New York, Inc. to provide electric services to the Village of Chester from 9/8/2015 to 9/29/2017 is hereby approved; and be it further

RESOLVED, that the Village’s Treasurer is hereby authorised to execute said agreement and take such other and further acts that may be necessary to effectuate the above

Introduced By: Trustee Betty-Jo Bono
Seconded By: Trustee John T Bell
On a vote of 5 to 0, the resolution was adopted

The following Resolution was duly offered and seconded to wit:

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CHESTER TO AUTHORIZE LEGAL SERVICES FOR SPECIAL COUNSEL TO DEFEND THE VILLAGE REGARDING LITIGATION FILED

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

WHEREAS, the Village of Chester (“Village”) was named in a lawsuit entitled BT Holdings, LLC v. Village of Chester and the Village of Chester Board of Trustees, under Orange County Supreme Court Index No. 1480-2015; and

WHEREAS, the Village requires Special Counsel to undertake representation and a defense of the Village in the aforesaid litigation; and

NOW, THEREFORE, it is resolved as follows:

Section 1. Feerick Lynch MacCartney, PLLC ("FLM"), is authorized to present this litigation to the Insurance Company for the Village to have the Insurance Company defend and indemnify the Village. Until such time as the Insurance Company provides a defense, FLM is authorized to appear and defend the Village and shall be compensated for all services performed for the Village with regard to the litigation entitled BT Holdings, LLC v. Village of Chester and the Village of Chester Board of Trustees, under Orange County Supreme Court Index No. 1480-2015 at the hourly rate of \$250 (plus all disbursements reasonably incurred), and in accordance with the terms and conditions of the Retainer Agreement between the Village and FLM dated December 5, 2014. Those services shall be paid by the Village separate and in addition to any services Special Counsel has previously been retained to handle for the Village.

Section 2. This Resolution shall be effective immediately.

That this Resolution shall take effect 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>
<u>Hon. Philip Valastro</u>	[X]	[]	[]	[]
<u>Deputy Mayor Carole Duffy</u>	[X]	[]	[]	[]
<u>Trustee Betty-Jo Bono</u>	[X]	[]	[]	[]
<u>Trustee John T Bell</u>	[X]	[]	[]	[]
<u>Trustee Christopher Battiato</u>	[X]	[]	[]	[]

Introduced By: Trustee John T Bell
Seconded By: Trustee Betty-Jo Bono
On a vote of 5 to 0, the resolution was adopted.

Proclamation
Prevention of Animal Cruelty Month

WHEREAS, the Village of Chester Board of Trustees, the citizens of the Village of Chester and the Warwick Valley Humane Society are concerned with the humane treatment of animals, and

WHEREAS, the kind and humane treatment of animals has a strong correlation to the kind and humane treatment of people, and

WHEREAS, animal cruelty is proven to directly parallel violent and criminal acts on people, and

WHEREAS, together with the Warwick Valley Humane Society, the Village of Chester urges the vigorous enforcement of existing animal cruelty laws and want to make the public more aware of these laws in hopes of eliminating cruelty to all animals, wild or tame, and,

WHEREAS, the month of April has been established as “Prevention of Animal Cruelty Month”,

NOW, THEREFORE, be it hereby

RESOLVED that, the Board of Trustees of the Village of Chester does hereby proclaim April 2015 to be:

PREVENTION OF ANIMAL CRUELTY MONTH

And call upon all residents to treat any and all animals with kindness, consideration and respect, and to report the abuse, neglect and cruelty of all animals to law enforcement agencies or to the Warwick Valley Humane Society.

A motion was made by Deputy Mayor Carole Duffy, second by Trustee John T Bell, to proclaim April 2015 to be Prevention of animal cruelty month. Motion unanimously passed.

Mayor Valastro announced the final date for Village sewer bill collection is Monday, March 31, 2015. Reminder notices were mailed March 6, 2015. A final unpaid sewer report will be forwarded to Town of Chester on or about April 6, 2015, for the purpose of relevy onto the 2015-2016 Village Real Property Tax bill.

Mayor Valastro made mention to the public to always see Photo I.D. of Utility workers at your home.

CALENDAR

- Village office will be closed April 3, 2015 due to Holiday (Good Friday).
- ~~REMINDER—Next Village Board Meeting is scheduled for April 6, 2015.~~
- Town of Chester Summer camp registration 2015 – see village website or for more information go to www.Chester-ny.gov

ADJOURNMENT

A motion to adjourn the meeting and go into executive session to discuss current litigation was made by Deputy Mayor Carole Duffy, and seconded by Trustee, Betty-Jo Bono. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera
Village Clerk