

**Village of Chester  
Board of Trustees Meeting Minutes  
May 9, 2016**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Monday, May 9, 2016.

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

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

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

**AUDIT OF BILLS:** Mayor John Tom Bell noted that the audit of the Village's monthly bills for approval was complete. A motion to approve the audit of the bills was made by Trustee Elizabeth A Reilly, second by Deputy Mayor Betty-Jo Bono. Motion unanimously passed.

**APPROVAL OF MINUTES:** A motion to approve March and April's Public Hearing, Special meeting and monthly meeting minutes was made by Trustee Christopher Battiato, second by Trustee Alan Battiato. Motion unanimously passed.

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

**CASH BALANCES ENDING APRIL 30, 2016:**

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<b><u>General Fund</u></b>				
Savings (Sterling National Bank)	--	--	599.05	2,876,057.42
Checking (Orange County Trust)	484,844.87	313,833.78	8.61	342,619.91
Savings (Orange County Trust)	--	208,558.24	164.73	1,685,089.80
<b><u>Water Fund</u></b>				
Capital Checking	10,000.00	--	5.16	71,983.05
Checking	36,241.38	97,228.52	13.25	222,387.77
<b><u>Sewer Fund</u></b>				
Checking	37,173.26	81,685.14	11.76	178,707.26

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

General Fund	9,189.26
Water Fund	222.00
Sewer Fund	304.64

**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. **2015-2016 CAPITAL PROJECTS TRANSFER:** 2015-2016 Budget Transfers were made for Water and Sewer Funds on 4/28/16.
4. **2016-2017 TAX COLLECTION NOTICE:** A Tax Collection Notice (attached) has been prepared and will be published in the Times Herald Record for (2) consecutive Sundays at the end of May.
5. **2016-2017 SEWER CHARGES:** Sewer Bills will be issued on 6/1/16. Quarterly installments are due on 6/30/16, 9/30/16, 12/31/16 & 3/31/17). Any installment received after their due date will incur penalties. Please review the back of your bill for additional information.

**6. 2015-2016 BUDGET MODIFICATIONS:** Budget modifications schedule being presented for Board Approval.

A motion to approve the 2015-2016 modification as presented was made by Trustee Elizabeth A. Reilly, second by Trustee Christopher Battiato. Motion unanimously passed. (Budget mods are attached.)

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

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

F&A – 41 Greycourt Ave

- 1- Almost complete.

Meadow Hill Apartments.

- 1- Building #5 interior work continues.
- 2- Building #6 foundation work underway.

Steris Nucifora Blvd.

- 1- Work continues.

BYK – 48 Leone Lane

- 1- Work almost complete.

Gorman – 14 Miller

- 1- Work almost complete.

Bagel Girls Café – 69 Brookside Ave

- 1- Work complete, store open.

Christopher's Bistro

- 1- Work underway.

Dos Latinos – 78 Brookside Ave

- 1- Work underway.

FDF Enterprises – 5 Sanford Ave

- 1- Issued permit for new single family home.
- 2- Footing and slab work underway.

Request approval to attend Tri-County NYSBOC training in Napanoch on June 22nd.

A motion to approve Village Code Enforcement Officer, John Orr to attend Tri-County, NYSBOC (New York State Building Official Conference) training in Wednesday, Napanoch, NY, on June 22, 2016 was made by Trustee Alan Battiato, second by Deputy Mayor Betty-Jo Bono. Motion unanimously passed.

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

**1. Personnel:**

- No issues

**2. Citizen Issues:**

- No issues

**3. Public Safety Issues:**

- Traffic Details: Continuing.

- Whispering Hills Dr. /Knollcrest Ln. crosswalk issues. Chief submitted documentation on a possible resolution for the sidewalk located on the corner of Knollcrest Lane and Whispering Hills Dr. see attached.

**4. Facilities:**

- No Issues

**5. Equipment:**

- No Issues.

**6. Vehicles:**

- No issues.

**7. Other:**

- No issues.

**8. Department Activity YTD:**

Call Type	2016
Calls for Service	1043
Criminal Cases	254
Arrests	189
Traffic Accidents	070

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

We spent a few days painting the crosswalks, stop bars, arrows, and lane divider lines in Whispering Hills.

We also had A Plus Striping paint the double yellow lines on Whispering Hills Dr.

We have started our weekly mowing.

We continue with the normal weekly sweeping, picking up of bags and brush and the collection of garbage.

The new dump body for our 2001 Ford F550 has been painted and installed on the chassis and is back in service.

Tires can be brought to The Town of Chester Highway Dept. the 2nd and 3rd week of May during the hours of 9:00 am-3:30 pm; however they must be off the rims.

We will be crack sealing on May 12, 2016 in Cherry Heights.

Received a letter from the New York State Department of Transportation. The enacted State fiscal year 2016-17 Budget includes 438.1 million in Consolidated Local Street and Highway Improvement Program (CHIPS) funding for municipalities to support the construction and repair of highways bridges, highway railroad crossings, and other facilities that are not on the State highway system.

Our apportionment for the 2016-17 state fiscal year is \$52,106.88. In addition to the \$438 million in the CHIPS program, an additional \$400 million (100 million a year over four years) of funding for local roads will also be allocated through the CHIPS funding formula from a newly established PAVE-NY Program for local roads. Our apportionment for 2016-17 PAVE-NY Program is \$11,893.91. Spoke to Doreen Holsopple NYSDOT Regional CHIPS Representative about the PAVE-NY Program and she said that they are still waiting for instructions on how to administer it and what the guidelines and eligibility requirements are. The total amount between the 2016-17 CHIPS and PAVE-NY Apportionments will be \$64,000.79.

Mayor Bell made mention that residents must call Waste Management to dispose of bulk items. Mayor Bell also made mention that with Memorial Day coming up the Chester cemetery committee is selling Flags for \$5.00 and the flags will be placed up and down Main Street in Village. In addition, all proceeds will be going to Chester Cemetery to help with the up keep of the cemetery.

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

- 1= Daily Filtration plant and well #12 routine each day.
- 2= At the Filtration plant twice weekly EFM membrane cleanings have been done.
- 3= May water main flushing has been completed.
- 4= the biannual meters have been read.
- 5= Weekly mowing is being done at all water facilities.
- 6= The second quarter testing of THM's, HAA5's, Iron and Manganese plus our two coliform bacteria samples have been taken to Envirotest lab.
- 7= At the Meadow Hill Apt. inspection of the water main installation and the tie in to the water main on Rt. 94 have been done. The main has been pressure tested, chlorinated and the two required coliform bacteria samples were taken to the lab. The same was done for the six inch water service line into building #5.
- 8= I am still working on updating water main mapping.
- 9= Monthly operation reports for April were sent to the OCHD.

**PARK & RECREATION: Mayor made mention of some Park and Rec items that were that were email to the clerk:**

- Senior movie night matinee, May 12, 2016 at 1pm.
- Summer Recreation Program late registration date to be determined. Please contact Park and Recreation Department by calling 845-469-7000 ext. 8.

**OTHER BUSINESS:**

**Frontier Communications Presentation** regarding bringing cable, internet and Television to the Village of Chester. Presentation was presented by Deb Bogdanski.

Deb Bogdanski started the presentation. Frontier is at appoint were they are getting ready to do presentations throughout Orange County to talk to communities such as the Village of Chester about the opportunity that we have to roll out video product on our current network today so that we are able to offer our customers voice services, phone services, internet services and now we are going to be able to provide customers with video as well, thru our current existing network. So what this means is that we are doing anymore changing out our infrastructure that is outside on the road, no more poles, cables etc., that are there is what are going to use. We will be doing additional electronic changes in our offices and we have identified two key locations that will be doing this product. We will be able to offer it thru the most of municipalities here and the resident in the Village of Chester.

Our product basically is what are customers are seeing in our Connecticut market. We will be pulling in that transmission which is what we receive from our New York City stations into this market here in Orange County. You will still see if you choose to participate you will be seeing our local station which for us is the New York City stations, CBS, ABC, NBC and all of our favorites are already there today. In addition, all of the program contents that we have been able to assign and arrange.

This is an opportunity for local residents to have two providers to choose from and the Village has an opportunity to sign a franchise agreement with Frontier Communications. So we wanted to take the opportunity to talk to the Village Trustees and give you some information about what we are doing and of course we would continue to work with the Village individually in terms of setting up and getting a franchise agreement which means the Village will be getting those fees in addition to the other franchise agreements that you currently have.

Deb Bogdanski provided the Mayor and the Board of Trustees with documentation should the Village considers signing a Franchise agreement with Frontier Communications.

**Resolution Providing Section 41-j** (an allowance of unused sick leave credits) **please see attached.**

**Resolution Certifying Delinquent Sewer Charges, Water Charges and Authorizing Levy of Same against Real Property in Default:**

**WHEREAS**, the Village of Chester provides, among other things, sewer and water service to the residents of the Village of Chester and certain outlying property owners; and

**WHEREAS**, certain property owners have failed to pay their outstanding balances for sewer and water services, including, late fees, interests and/or; and

**WHEREAS**, pursuant to section 79-45 of the Code of the Village of Chester, the Village Board may, as an alternative to the commencement of a lawsuit, levy past due sewer and water charges and the associated late fees, interest and penalties upon the real property in default; and

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that there shall be levied, assessed, and collected against the real property hereinafter specified the amounts set opposing such real property as certified on the schedule attached hereto; and be if further

**RESOLVED**, that a warrant for the collection of such arrears so levied shall be issued to the Tax collector and collected by her in the same manner and at the same time as other Village Taxes; and be if further

**RESOLVED**, that the Village Clerk is hereby authorized to post notice of such warrant and collection as required by the Village Code and the laws of the State of New York.

Introduced By: Trustee Elizabeth A Reilly

Seconded By: Deputy Mayor Betty-Jo Bono

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

A Meeting of the Village Board of the Village of Chester was convened on May 9, 2016 at 7:00 p.m.

The following Resolution was duly offered and seconded to wit:

**RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT**

**WHEREAS**, the Village of Chester Village Board, upon review and recommendation of Legal Counsel, has agreed to enter a Settlement Agreement and Release (" Agreement") with a certain Village employee arising out of disciplinary proceedings; and

**WHEREAS**, said Agreement requires execution by the Mayor of the Village of Chester.

**NOW THEREFORE**, it is resolved by the Village Board as follows:

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

**Section 2.** The Mayor is hereby authorized to execute the Agreement on behalf of the Village of Chester.

**Section 3.** This Resolution shall be effective immediately.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor J. Tom Bell	[ x ]	[ ]	[ ]	[ ]
Deputy Mayor Betty-Jo Bono	[ x ]	[ ]	[ ]	[ ]
Trustee Christopher Battaito	[ x ]	[ ]	[ ]	[ ]
Trustee Alan Battiato	[ x ]	[ ]	[ ]	[ ]
Trustee Elizabeth Reilly	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**BY ORDER OF THE VILLAGE BOARD OF THE  
VILLAGE OF CHESTER, NEW YORK**

**Safety Committee** – Mayor Bell made mention that he and the Board of Trustee would like to set up a safety committee. Mayor would like the committee to comprise of most of the department heads to help with the workforce as well as to go over the regulations. I would like to have some of the department heads to meet quarterly. The individuals assigned by the Mayor to be on the safety committee are as follows:

- Code Enforcer, John Orr, Street Commissioner, Charles Bono, Water Treatment Operator, Gary Green, Mayor, John Tom Bell Treasurer, Angela O’Neill, and Chief, Peter Graziano.

A motion create a Village of Chester Safety Committee and assign the following employees, Charles Bono, Water Treatment Operator, Gary Green, Mayor, John Tom Bell Treasurer, Angela O’Neill, and Chief, Peter Graziano, was made by Trustee Elizabeth A. Reilly, second by Trustee Christopher Battiato. Motion unanimously passed.

### **New full time employee to the Planning Board – Sandra Vanriper**

**Village New Hire** - Mayor John Tom Bell made mention that the Village of Chester has a new hire starting date May 13, 2016, filling the Full time position of Planning Board Secretary. The Mayor Bell welcomed Sandra Vanriper.

A motion to hire Sandra Vanriper as Fulltime Planning Board Secretary was made by Trustee Elizabeth A. Reilly, second by Deputy Mayor Betty-Jo Bono. Motion unanimously passed.

### **CALENDAR:**

- Senior Movie Matinee – May 12, 2016 at 1:00 pm. Movie title “Miss you already”. Need not be a member of the Golden Age society to attend. Sign up not required.
- Hospice Volunteer Training 2016 – Wednesdays’ 10:00 am – 5:00pm on the following dates: 5/11, 5/18, 5/25. See Village website located under “News and Events”.
- 22<sup>nd</sup> Annual 5k Hambletonian race – Saturday May 28, 2016. Start time 8:45am. Register in the Chester Community Park. Race route is thru historic downtown.
- Village will be closed in observance of Memorial Day Holiday.
- Summer Rec late registration in May 2016 please contact Park & Rec for more information

### **Public Hearing**

Mayor Bell opened the public Hearing at 8:00 pm regarding the Proposed Law 2 of 2016 RS Technology Overlay Zoning District.

**Stuart Turner, Village environment planning advisor**, started by saying to the Board of Trustees that there a several things that need to be address with regards to the RS – Technology Overlay District.

**Special Counsel, Dennis Lynch** addressed the Mayor, Board of Trustees and the Public. Tonight is a public hearing for consideration for a new zoning district for the Village which is only limited to three parcels/properties and all three properties involved are BT Holdings. It’s the only properties that are impacted by this particular matter. In this particular case one of the parcels of BT Holdings, a 60 acres parcel did not have any zoning when it was annexed from the Town of Chester. Usually in this particular case 60 acres parcel had no particular zoning so in this particular case what’s happening is that the board is being asked to apply a zoning district to a piece of property that has never been zoned by the Village. It had been zoned in the Town of Chester as an SR- 6 zoning district which would allow under the Town of Chester up to 120 single detachable dwelling units and that are residential.

Previously this particular property was the subject matter of litigation in that BT Holdings sued the Village of Chester. The Village was successful in dismissing all the federal charges and now the matter is now in the State Court, notwithstanding the fact that it’s in State Court, the Mayor and the Village Board of Trustees make sure that every piece of property has a zoning classification under the code.

We did some analysis previously with immanent environmental planner, Stuart Turner and I believe that the record is clear that our office expressed an opinion that even though the one 68 acres parcel/property does not have any zoning it would be entitled to have up to 120 single family residential detachable dwelling units under the concept called vested rights.

The Mayor and the Board of Trustees want it to have a specific zoning designation. In this particular case with the outstanding help of your Village Planner, Stuart Turner and extensive research we have asked the Board of Trustees to consider a public hearing. By having this particular property that has never been zoned plus the other 2 parcel/property of BT Holdings categorized under a new zoning code definition and the name of it is going to be called, RS-Technology Overlay District. The RS-Technology Overlay District is going to be

basically a zone where you can as of right build up to but no more than 120 single family residential detachable dwelling units on this particular parcel/property. No other use of property as of right, no manufacturing it is not for retail, it is not for anything else other than 120 single family residential detachable dwelling units up to that particular amount and anybody that wants to build as of right can do that under the normal process that the Village Board of Trustees and Village codes allows.

Now in this particular case what the Village Board of Trustees has proposed for public comments that in addition to having 120 single family residential detachable dwelling units. Again, up to and it may not be that is depending on some configurations that there be an overlay district. The Overlay district allows the Board of Trustees to overlay a special zone where you could attract some types of incubator or internet setting facility. Let's call it the new Google.

Again, there are some factual bases for this. Some recent trends that these new start-up companies want to be in a park like setting away from a city atmosphere but if anybody wants to do more than 120 single family residential detachable dwelling units they must apply to the Village Board of Trustees and the Village Board of Trustees has absolute discretion whether or not the particular overlay zone would be something as a concept that the Village Board of Trustees would like. Village Board of Trustees if that application came forward, it may never, it could happen the day after you pass the law, this Village Board has the criteria which to determine if a concept plan works or doesn't work.

If you think this concept plan would work then you would refer this matter to the Village Planning Board. Again, this internet technology overlay zone project would be subjected for the normal planning board review, normal public comments, and normal public review.

So in summary the proposed law is being considered tonight by a public hearing which would allow as of right up to 120 single family residential detachable dwelling units and if you pass that law whom ever wanted to build in this property could do that. Again, subject to the usual planning board review process however, if they come up with a brand new concept that this board thought is worth our pursuing they could also apply for that too.

In this particular case tonight it's just a public hearing there are many other things you have to do. You are the only board in this particular case that would make any final decisions. You may want to refer this out to your planning board pursuant to your code. You definitely have to refer it out to the county of orange planning department under a GML provision. We also have to comply with our SEQRA requirements. For SEQRA purpose you would be what's called, the lead agency.

Tonight I would ask the board of Trustees to determine themselves, if you intend to be the lead agency and after the public comments designate yourself as the lead agency which you intend to be and then other agencies could agree or disagree with you. You would have the most direct contact with this particular local law. I would make a recommendation that you do that.

Stuart Turner, Village environment planning advisor, added the Board of Trustees is the only agency that can vote on the zoning. You don't have to send out to other agencies. You would send to your planning board and Orange County Department of Planning but you are the lead agency. We suggest that you put on record that you have declared yourself as lead agency because there's nobody else that can act per legislation.

Special Counsel, Dennis Lynch – Mr. Mayor it is my recommendation that before public comments you preliminary declare yourself as the lead agency which you intend to be.

Mayor Bell asked for a motion to be declared as lead agency, Trustee Elizabeth A. Reilly made a motion, second by Deputy Mayor Betty-Jo Bono.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor J. Tom Bell	[ x ]	[ ]	[ ]	[ ]
Deputy Mayor Betty-Jo Bono	[ x ]	[ ]	[ ]	[ ]
Trustee Christopher Battaito	[ x ]	[ ]	[ ]	[ ]
Trustee Alan Battiato	[ x ]	[ ]	[ ]	[ ]
Trustee Elizabeth Reilly	[ x ]	[ ]	[ ]	[ ]

Special Counsel, Dennis Lynch – Mr. Mayor the next recommendation is to open the matter for public comments and note this is not for the Board of Trustees, the board has the absolute discretion to respond to the comments. It is usually meant for the Board of Trustees to consider the comments and I'll be taking notes, Stuart Turner will be taking notes and then after the public hearing is closed then what you will be able to do is consult with your professionals and eventually at some point in time you may want to come up with a full statement addressing those comments. After the public comment close the public hearing and we will advise how to proceed.

A motion to close the public hearing was made by Deputy Clerk Betty-Jo Bono, second by Trustee Christopher Battiato.

A motion to making a negative declaration was made by Deputy Clerk Betty-Jo Bono, second by Trustee Christopher Battiato.

A motion to refer this matter to the Village Planning Board was made by Elizabeth A. Reilly, second by Deputy Mayor Betty-Jo Bono.

A motion to refer the matter to Orange County Department of Planning was made by Trustee Christopher Battiato, second by Trustee Elizabeth A. Reilly.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Trustee Christopher Battiato, second by Trustee Elizabeth A. Reilly. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera  
Village Clerk