

**Village of Chester  
Board of Trustees Meeting Minutes  
November 14, 2016**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Tuesday, November 14, 2016.

Members present: Mayor John Tom Bell, Deputy Mayor, Christopher Battiato, Trustee, Alan Battiato, Trustee Elizabeth A. Reilly and Trustee, Brian J Boone.

Also present: Village Clerk, Rebecca Rivera, Village Treasurer, Angela O’Neill, Village Attorney, Henry Christensen, Village Police Chief, Peter Graziano, Village Water Commissioner, Gary Green, Village Street Superintendent, Charles Bono, 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 Christopher Battiato. Motion unanimously passed.

**APPROVAL OF MINUTES:** Monthly meeting minutes of October 11, 2016.

A motion to approved the Monthly meeting minutes of October 11, 2016, by Trustee Elizabeth A. Reilly, second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**CASH BALANCES ENDING OCTOBER 31, 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)	--	--	599.69	2,879,114.51
Checking (Orange County Trust)	386,835.30	341,670.58	5.38	109,308.00
Savings (Orange County Trust)	44,551.02	347,499.96	327.35	3,513,689.85
<b><u>Water Fund</u></b>				
Capital Checking	--	--	6.00	72,013.59
Checking	27,967.48	34,240.00	12.52	253,207.22
<b><u>Sewer Fund</u></b>				
Checking	62,725.98	17,477.41	25.68	558,004.64

Cumulative Fiscal Year Interest Earned by Fund 06/1/16 – 05/31/2017

General Fund	\$	3,668.07
Water Fund	\$	77.74
Sewer Fund	\$	81.53

**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. **2016-2017 VILLAGE PROPERTY TAX:** An unpaid tax file was submitted to Orange County Commissioner of Finance Office for the purpose of re-levying unpaid village property taxes on to January 1, 2017 Town/County Tax Bill.
4. **SEWER COLLECTION:** Sewer collection continues. 3<sup>rd</sup> installment is due by January 3, 2017.
5. **BILL ADJUSTMENTS:** Water Bill #3628 was adjusted due to an incorrect meter reading. Water Bill #640 was adjusted due to account incurring penalties in error. Tax Bill #790 was adjusted per owner name change matter. Tax Bill #656 was adjusted due to clerical error during mail processing. Tax Bill #s 1549, 1550, 1551, 1552, 1553, 1554, 1555 were adjusted due to address change discrepancies.

A motion to accept the Treasurer's report, as read, was made by Trustee Alan Battiato, second by Trustee Brian J. Boone. Motion unanimously passed.

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

Meadow Hill Apartments.

- 1- Building #6 almost complete.
- 2- Building #2 interior work continues.
- 3- Building #3 framing complete.
- 4- Building #1 framing started this week.

Steris Nucifora Blvd.

- 1- Interior work continues.
- 2- Site work continues.

Christopher's Bistro

- 1- Work is complete.

Curtain – 1 Railroad Ave

- 1- Work continues.

Mott – 45 Meadow Ave

- 1- Work continues.

Jean – 7 Vista Dr.

- 1- Garage almost complete.

Quinn – 77 Main Street

- 1- Project almost complete.

In September, the Building Department was visited by ISO (Insurance Services Office) to conduct a "Building Code Effectiveness Grading Schedule" or (BCEGS). ISO provides information for insurance underwriters who in turn use that information for writing policies for insurance coverage. Building departments are survived every 10 years with our last visit being in 2005. I have enclosed for the board's review the executive summary of this year's report. In almost all subcategories our score has improved which in turn improved our overall score. Which is now a 3 for 1 & 2 family homes and a 2 for all other construction. Previously our score was 5 for each category. This score will affect insurance rates for any new construction in the village.

A motion was made by Trustee Elizabeth A. Reilly, second by Trustee Alan Battiato to accept the Building department report as read. Motion unanimously passed.

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

**1. Personnel:**

- On 1<sup>st</sup> November, the Police Department conducted Sexual Harassment/Workplace Violence training for Village Hall, Street Water and Building Departments.

**2. Citizen Issues:**

- No issues.

**3. Public Safety Issues:**

- Traffic Details: Continuing.  
Thanks to Street Commissioner Bono for assisting in clean up at a serious MVA (7 Nov) on Main St., and John Orr who assisted with traffic.

**4. Facilities:**

- No Issues

**5. Equipment:**

- None

**6. Vehicles:**

- 725, 2010 Impala, transmission was repaired in July. It currently has no reverse and is under warrant. Will be scheduled for repair in July. It currently has no reverse and is under warranty. Will be scheduled for repair as soon as we get 728 back.

**7. Other:**

- No issues.

**8. Department Activity YTD:**

Call Type	2016
Calls for Service	2369
Criminal Cases	535
Arrests	324
Traffic Accidents	182

A motion to accept the Police Department report, as read, was made by Trustee Elizabeth A. Reilly, Deputy Mayor Christopher Battiato. Motion unanimously passed

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

A motion to accept the Street Department report, as read, was made by Trustee Brian J Boone, second by Alan Battiato. Motion unanimously passed

**WATER REPORT:** Water Commissioner, Gary Green Jr., read his report as follows:

- 1) Daily filtration plant and well #12 routine
- 2) Clean in place procedure was performed on both filtration skids
- 3) Meter reading has been completed
- 4) Hydrant riser installed at Steris and Iron Mountain fire hydrants
- 5) Fire hydrants painting continues
- 6) Repaired main line valve for fire hydrant at well house
- 7) Final mowing at all water facilities
- 8) Flushed water main from plant to mountain bridge
- 9) Pressure test on building #3 at Meadow View

A motion to accept the Water Department report, as read, was made by Deputy Mayor Christopher Battiato, second by, Trustee Elizabeth A. Reilly. Motion unanimously passed

**PARK& RECREATION:** No one present from Park & Rec. Mayor read Park & Recreation department as follows:

Children’s Holiday Party, on Friday, December 2, 2016, starting 6:00 pm – 8:00pm at the Sugar Loaf Engine and Hose, 1408 Kings Highway. There will be arts & crafts, visit with Santa, refreshments. Presented by the Chester Parks & Recreation and Sugar Loaf Engine and Hose. If you have any questions, please call us at 845-469-7000 ext.8. We hope to see you there.

**OTHER BUSINESS:**

**WHEREAS** the Village of Chester is the owner of real property in the Town of Monroe, County of Orange identified on the tax map as follows:

<b>Section</b>	<b>Block</b>	<b>Lot</b>
18	5	11
13	1	28
8	1	78
8	1	35
8	1	77
8	1	24
8	1	23
8	1	22
8	1	21
8	1	16
8	1	13
8	1	12
8	1	11
8	1	10
8	1	9
8	1	8
8	1	54
8	1	53
13	1	28
8	1	42
8	1	44
8	1	45
8	1	46

**WHEREAS** the above real property is devoted solely to public use and is part of the Village owned water system as the site for the Village's Water Filtration Plant, necessary connections and appurtenances; and

**WHEREAS** the Real Property Tax Law, Section 406(3), provides the authority for each taxing district in which municipally owned property used in such manner is located to grant a whole exemption from real property taxes levied by that taxing district; and

**WHEREAS** such exemption for the Village of Chester Water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Chester, which would enhance real property ownership, encourage industrial and commercial development, and exemplify a spirit of inter-municipal cooperation between the County of Orange and the Village,

**NOW, THEREFORE,** be it

**RESOLVED** that the Village Board of the Village of Chester, on behalf of the Village of Chester, its taxpayers, water users and citizens hereby petitions the County of Orange to grant a whole exemption from Orange County real property taxes commencing for the calendar year 2017 for the parcel of real property identified as follows in the Town of Monroe:

<b>Section</b>	<b>Block</b>	<b>Lot</b>
18	5	11
13	1	28
8	1	78
8	1	35
8	1	77
8	1	24
8	1	23
8	1	22
8	1	21
8	1	16
8	1	13
8	1	12
8	1	11
8	1	10
8	1	9
8	1	8
8	1	54
8	1	53
13	1	28
8	1	42
8	1	44
8	1	45
8	1	46

and be it further

**RESOLVED** that a copy of this resolution be forwarded to the appropriate Orange County Government officials.

Introduced By: Trustee Elizabeth A. Reilly.

Seconded By: Trustee Brian J. Boone.

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

Trustee Elizabeth A. Reilly asked the question, Does the tax exemption apply to parcels owned by the Village of Chester that fall within the jurisdiction of the Town of Woodbury and Town of Chester. The village clerk will reach out to the assessor in Town of Woodbury and Town of Chester and get back to the Village Board.

**Resolution Establishing Date of Village Board Reorganization Meeting:**

**WHEREAS**, the Village held its general Village Election; and

**WHEREAS**, thereafter, the newly elected Mayor and Board of Trustees must hold a reorganization meeting.

**NOW, THEREFORE**, be it herby

**RESOLVED** that the Board of Trustees of the Village of Chester, New York will hold the 2016 Village Reorganization Meeting on December 5, 2016, at 7:00 p.m. at the Village Hall; and be it further

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

Introduced By: Trustee Elizabeth A. Reilly.

Seconded By: Trustee Brian J. Boone.

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

**RESOLUTION TO AUTHORIZE SPECIAL COUNSEL TO DEFEND THE VILLAGE REGARDING LITIGATION.**

A Meeting of the Village Board of the Village of Chester was convened on November 14, 2016 at 7:00p.m.

The following Resolution was duly offered and seconded to wit:

**RESOLUTION TO AUTHORIZE SPECIAL COUNSEL TO DEFEND THE VILLAGE REGARDING LITIGATION FILED**

**WHEREAS**, the Village previously retained Special Counsel Feerick Lynch Maccartney & Nugent, PLLC, to represent the Village in certain legal matters; and

**WHEREAS**, the Village of Chester ("Village") was named as a party 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. 007318-2016; 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.** All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

**Section 2.** Feerick Lynch Maccartney & Nugent, PLLC ("FLMN"), is authorized to tender this litigation to the Insurance Company for the Village to request and have the Insurance Company defend and indemnify the Village. Until such time as the Insurance Company provides a defense, FLMN 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. 007318-2016 at the hourly rate of \$250 (plus all disbursements reasonably incurred). 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 3.** 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>
Hon. John Tom Bell	[X]	[ ]	[ ]	[ ]
Deputy Mayor Christopher Battiato	[X]	[ ]	[ ]	[ ]
Trustee Alan Battiato	[X]	[ ]	[ ]	[ ]
Trustee Elizabeth A. Reilly	[X]	[ ]	[ ]	[ ]
Trustee Brian J. Boone	[X]	[ ]	[ ]	[ ]

**BOND RESOLUTION LAND ACQUISITION OF A PARCEL OF REAL PROPERTY.**

BOND RESOLUTION OF THE VILLAGE OF CHESTER, NEW YORK, ADOPTED NOVEMBER 14, 2016, AUTHORIZING THE ACQUISITION OF A PARCEL OF REAL PROPERTY ADJACENT TO VILLAGE HALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$300,000 TO FINANCE SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF CHESTER, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

**Section 1.** The Village of Chester in the County of Orange, New York (herein called the “Village”), is hereby authorized to acquire a parcel of real property adjacent to Village Hall. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of up to \$300,000 to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

**Section 2.** Bonds of the Village in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

**Section 3.** The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said \$300,000 bonds are authorized to be issued exceeds five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

**Section 4.** Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 5.** Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

**Section 6.** The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

**Section 7.** This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the “*Times Herald Record*,” a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.  
\* \* \*

The adoption of the foregoing resolution was made by Trustee Elizabeth Reilly, seconded by Deputy Mayor Christopher Battiato and duly put to a vote on roll call, which resulted as follows:

Hon. John Tom Bell	<b>AYES: 5</b>
Deputy Mayor Christopher Battiato	
Trustee Alan Battiato	<b>NOES: 0</b>
Trustee Elizabeth A. Reilly	
Trustee Brian J. Boone	The resolution was declared adopted.

#### **GUARDIAN RENEWAL– VISION INSURANCE FOR VILLAGE EMPLOYEES.**

A motion to was made by Trustee Alan Battiato, second by Trustee Elizabeth A. Reilly, to accept the renewal Guardian 2017, vision insurance for village employees. Motion unanimously passed.

Mayor John Tom Bell made mention that due to the reorganization meeting schedule for December 5, 2016 at 7:00pm the Village Board Monthly Meeting that is scheduled for **December 5, 2016 will start at 7:15pm**

#### **DISCUSSION REGARDING TOWING ORDINANCE**

The Village board asked that the Village Attorney, Henry Christensen, review the towing ordinance and make recommendations at to possible changes, particularly as to the language of the impound/storage facility being” within one mile radius of the Village of Chester Police Department.”

A motion made by Trustee Alan Battiato, second by Trustee Elizabeth A. Reilly to set a public hearing on January 9, 2017 at 6:45 pm, a public hearing regarding the proposed adoption of the Vehicle and Traffic regulations, at which time and place all interested persons may appear and will be given an opportunity to be heard either in support of or in opposition to the proposed traffic regulations. Motion unanimously passed.

#### **RESOLUTION FOR RENEWAL OF CABLEVISION FRANCHISE**

**WHEREAS**, Whereas, Cablevision of Warwick LLC (hereinafter referred to as the “Franchisee”) is the holder of a franchise to provide cable television service within the Village of Chester which franchise has expired in accordance with its terms, and

**WHEREAS**, the Franchisee timely applied for a renewal of such franchise, and

**WHEREAS**, the Mayor and Trustees of the Village of Chester set, and duly published notice of, a public hearing as to the compliance of the Franchisee with the terms and provisions of the existing franchise and applicable law and as to the character, financial condition and technical ability of the Franchisee, and

**WHEREAS**, such public hearing was duly conducted prior to this meeting, and interested members of the public were given the opportunity to be heard,

**NOW THEREFORE**, be it

**RESOLVED** that the Mayor and Trustees find that Cablevision of Warwick LLC (the “Franchisee”) has been in substantial compliance with the terms and provisions of its existing franchise for the provision of cable television services in the Village of Chester and possesses the necessary character, financial condition and technical ability to continue to provide such services within the Village; and it is further



**RESOLVED** that the Village shall enter into a franchise renewal agreement with the Franchisee for a term not to exceed ten (10) years from the date that such renewal agreement shall be approved by the New York State Public Service Commission, provided that such agreement shall include provisions acceptable to the Mayor and the attorney for the Village requiring the Franchisee, at such time in the future as the Village may choose to establish a government/educational access channel, to make a contribution of cash and/or equipment as may be necessary for the establishment of such service; and it is further

**RESOLVED** that the Mayor is authorized to sign a renewal agreement substantially in the form presented to this meeting with such amendments as shall be consistent with the foregoing resolution and as otherwise shall be acceptable to the Mayor and the attorney for the Village.

Motion by Trustee Brian J. Boone  
 Seconded by Deputy Mayor Christopher Battiato

	<u>FOR</u>	<u>AGAINST</u>
Hon. John Tom Bell	<u>√</u>	
Deputy Mayor Christopher Battiato	<u>√</u>	
Trustee Alan Battiato	<u>√</u>	
Trustee Elizabeth A. Reilly	<u>√</u>	
Trustee Brian J. Boone	<u>√</u>	

**CALENDAR:**

- **December 2, 2016**, Chester Academy art students will be decorating the windows of the businesses located downtown Main Street by painting Christmas scenes on the windows. Prizes given for the best painting are gift card.
- **December 11, 2016**, Tree Lighting Parade – Sponsored by Chester Historical Society. Tetz is bringing their Clydesdale horses to join the parade. Beginning at the 4pm by the Walton Engine and Hose Fire house and ending at the train station by the trail.
- Village will be closed on, **November 24 & 25**. Thanksgiving Day and day after, **11/24/16** & **11/25/16**.

**ADJOURNMENT:**

A motion to was made by Trustee Elizabeth A. Reilly, second by Deputy Mayor Christopher Battiato to adjourn the monthly meeting and go into execution to discuss litigation matters. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera  
 Village Clerk