

**Village of Chester
Board of Trustees Meeting Minutes
April 9, 2018**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Tuesday, April 9, 2018.

Members present: Mayor, John Thomas 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; Deputy Clerk, Jennifer Cruz, Attorney for the Village, Henry N. Christensen, Jr., Village Police Chief Peter Graziano, Village Street Superintendent Charles Bono, Village Water Commissioner, Gary Green, and Village Code Enforcement Officer John Orr.

Mayor John T. Bell opened the meeting at 7:10 PM. with the Pledge of Allegiance.

AUDIT OF BILLS: Mayor John T Bell noted that the audit of the March 2018, Village's monthly bills for approval was complete.

A motion to pay the audited bills was made by Trustee Brian J Boone, second by Trustee Elizabeth A. Reilly. Motion unanimously passed.

APPROVAL OF MINUTES: Monthly Meeting Minutes of March 2018 were not complete. Were tabled until next monthly meeting

TREASURERS REPORT:

CASH BALANCES ENDING March 31, 2018

<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)	--	--	626.29	2,909,858.74
Checking (Orange County Trust)	465,037.14	331,469.21	8.87	213,428.65
<u>Savings (Orange County Trust)</u>	--	300,000.00	184.46	1,868,145.17
<u>Water Fund</u>				
Capital Checking	--	9,575.00	7.56	81,936.06
Checking	2,502.33	45,605.85	23.07	430,197.65
<u>Sewer Fund</u>				
Checking	180,853.38	340,834.95	32.09	535,543.42

Cumulative Fiscal Year Interest Earned by Fund 6/1/17-05/31/18

General Fund	9,092.78
Water Fund	272.26
Sewer Fund	345.78

Treasurer's Discussion:

- 1. STATEMENT OF REVENUE & EXPENDITURES:** Year to Date Report is attached.
- 2. 2018-2019 BUDGET:** The 2018-2019 Village Budget presented this evening includes a 0.30% increase in the Village Property Tax Rate. The tax rate for 2018-2019 is \$13.564/thousand of assessed

value, an increase of \$.05 cents per thousand of assessed value. The Village of Chester has not exceeded the 2% tax cap mandated by New York State.

3. **2018-2019 SEWER BUDGET:** Sewer Rates for 2018-2019 have decreased from \$58.00 per chargeable unit to \$36.40 per chargeable unit or \$364.00 annual charge for a single- family residence. The replacement of sewer pumps project located on Greycourt Avenue is almost complete.
4. **SEWER ADJUSTMENTS:** Requesting Board permission to adjust sewer penalties incurred for accounts 392-0.

A motion to adjust sewer penalties incurred for accounts 392-0 was made by Trustee, Alan Battiato, Deputy Mayor, Christopher Battiato. Motion unanimously passed.

A motion to accept the Treasurer's report, as read by Treasurer, Angela O'Neill, was made by Deputy Mayor, Christopher Battiato, second by Trustee, Brian J. Boone. Motion unanimously passed.

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

Peterman – 11 Elm Street

- 1- Interior work continues.

BYK – 48 Leone Lane

- 1- Work continues inside.

FDF – 67 Greycourt Ave

- 1- Home closed in.
- 2- Interior work underway.

Bastian Solutions – 45 Leone Lane (former Belmay)

- 1- Work has started.

Holiday Inn – 2 Bryle Place

- 1- Work continues.

Pep Boys – 29 Elizabeth Dr.

- 1- Issued permit for the demolition and rebuilding of guard building.

Shoprite – 78 Brookside Ave.

- 1- Issued permit for the renovation of bathroom and employee breakroom area.

A motion to accept the Building Inspector/Code Enforcement Officer, John Orr report as read, was made by Trustee, Elizabeth A. Reilly, second by Trustee, Alan Battiato. Motion unanimously passed.

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

1. Personnel:

- Swearing in Police Trainee, Taran Kalladeen.

2. Citizen Issues:

- On July there will be a fund-raising bicycle event hosted by Chi Lifeline. It will be entirely on the Heritage Trail and the event manager advised he has been working with the county (see attached information sheet).

3. Public Safety Issues:

- Traffic Details: Continuing.

4. Facilities:

- No issues.

5. Equipment:

- No issues.

6. Vehicles:

- 724 sustained some front-end damage on 27 March when it was behind a disabled vehicle. As the Prestige Auto tow operator was winching the vehicle onto the flatbed, the winch lost tension and the disabled vehicle rolled back into 724.

7. Other:

- No issues.

8. Department Activity YTD:

Call Type	2018
Calls for Service	724
Criminal Cases	128
Arrests	070
Traffic Accidents	052

A motion to accept the Police Department report, as read, was made by Trustee Brian J. Boone, second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

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

We have had a total of 5 storms for the month of March for a total 34” of snow, where the Street Dept. was called out to deice and clear the streets. As of to date we have used approximately 300 ton of Salt and 180 ton of Sand Salt mix for a total of 480 tons. As we close out of the winter months and transition into spring, I would like to thank my crew for all their hard work and the long hours which required a few sleepless nights in getting the village back up and running in a short amount of time. I would also like to thank Joseph Rosploch from the Water Dept. for doing an excellent job on the sidewalks and the Police Dept. for their help in getting cars off the street and assisting with traffic control during snow removal. With the help of these people, the Street Dept. difficult task of plowing and removing snow can be completed in a safe and efficient manner.

As of April 1st, our Green Waste Removal Program has begun: Green Waste Materials must be curbside by 6:00am on Fridays. Branches must be no longer than 4 ft. and tied. Grass clippings and leaves must be in biodegradable bags. (Bags can be purchased at Lowe’s and Shoprite.)

We continue with normal weekly sweeping and road side garbage collection.

I would like to remind the Village residents and everyone parking on Village streets that the snow ordinance for parking on the street will end on April 15. However, the Street Sweeping Ordinance will go into effect on all Fridays in which there is No Parking on Main St. (ALL) and Winkler PL. from the hours of 3:00am-6:00am.

Bulk collection has started again. Bulk collection will occur from April 1st to November 30th. However, you have to schedule an appointment to have it picked up. Please contact Inter Waste Systems at 845-572-3300.

The school has started the Walnut St. Improvement Project where they will be installing a new sidewalk along the fence by the ballfield and then repaving the parking area along Walnut St. As of right now they are in the process of installing the sidewalk.

Our new Fuel Tank and Fuel Management System is up and running. The next phase will be to blacktop around the pad.

During the next week we will be going around and repairing the edge of lawns that were damaged by the snow plows and snow blower.

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

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

- 1) Daily filter plant & well operations.
- 2) twice per week filter cleaning.
- 3) Backflow prevention testing continues.

- 4) Valve box cleaning was completed
- 5) Attending new Badger meter training.
- 6) Joseph Rosploch assisted Street Department with snow blowing of sidewalks.
- 7) Monthly samples were taken to lab for testing.
- 8) Marking out of water lines for Dig safe N.Y.
- 9) Worked on issues with the generator at the filtration plant.
- 10) found water main leak under Route 17.
- 11) Cleared snow that was blocking access to the fire hydrants.
- 12) Changed pump on the domestic feed at the filtration plant.
- 13) Transformer on Skid A was replaced.
- 14) Exposed sleeve and getting together everything necessary to replace main under Route 17.
- 15) Onsite for hydrant replacement at Knollcrest Apartment.
- 16) Fixed broken main line valve box near Chester Valley.

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

PARK & RECREATION: No one present from Park and Recreation.

Mayor John Thomas Bell made mentioned that Summer Camp Registration begins, Wednesday- April 18, 2018, 5:00pm- 7:00pm Recreation Office and Saturday - April 28, 2018, 9:00am - 12:00pm Recreation Office.

OLD BUSINESS: No old business.

OTHER BUSINESS:

18-14 - Resolution Certifying Delinquent Sewer Charges, Authorizing Levy of Same against Real Property in default:

WHEREAS, the Village of Chester provides, among other things, sewer 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 services, including, late fees, interests and/or penalties; 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 charges and the associated late fees, interest and penalties upon the real property in default

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 it 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: Trustee, Alan Battiato

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

18-15 Resolution Adopting the 2018/2019 Village Budget

WHEREAS, a proposed budget (the “Proposed Village Budget”) for the Village of Chester was prepared and introduced for the 2018/2019 fiscal year; and

WHEREAS, a public hearing was held and closed on April 9, 2018, on the Proposed Village Budget; and

NOW, THEREFORE, be it hereby

RESOLVED, that the Mayor and the Board of Trustees of the Village of Chester hereby adopts the proposed Village Budget of the 2018/2019 fiscal year, which, upon adoption, becomes the Village Budget for the 2018/2019 fiscal year; and be it further

RESOLVED, that the Village Clerk and Village Treasurer are authorized and directed to take such actions and perform such other and further acts that are reasonably necessary, proper or convenient to fulfill the purposes of these Resolutions.

Introduced By: Trustee, Brian J. Boone

Seconded By: Deputy Mayor, Christopher Battiato

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

18-16 Resolution Modifying Water Rents

WHEREAS, pursuant to Section 95-10(a), the Board of the Village of Chester (the “Village Board”) may, from time to time, at any meeting thereof, modify the water rents for the Village of Chester (the “Village”): and

WHEREAS, the Village Board has reviewed the Village’s current schedule of water rents: and

WHEREAS, the Village Board has determined that it is in the best interests and needs of the Village to increase the same,

NOW, THEREFORE, be it hereby

RESOLVED, that the water rents charged by the Village for usage in excess of the first gallon of water in each billing period shall be increased to the following:

Next 999,999 Gallons per billing period @ \$5.00 Per 1,000 gallons
Excess over 1,000,000 Gallons per billing period @ \$6.00 Per 1,000 gallons

FOR OUT OF CORPORATION USERS:

Next 999,999 Gallons per billing period @ \$7.50 Per 1,000 gallons
Excess over 1,000,000 Gallons per billing period @ \$8.50 Per 1,000 gallons

And be it further

RESOLVED, that, the Schedule of Water Rents shall be amended to reflects these changes;

and be it further

RESOLVED, that the Village Clerk shall take such actions as may be necessary to effectuate the same.

Introduced By: Trustee, Elizabeth A. Reilly

Seconded By: Deputy Mayor, Christopher Battiato

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

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN/ ABSENT</u>
Mayor John Thomas Bell	[x]		
Deputy Mayor Christopher Battiato	[x]		
Trustee Alan Battiato	[x]		
Trustee Elizabeth A. Reilly	[x]		
Trustee Brian J. Boone	[x]		

18-17 RESOLUTION APPROVING SALE OF EXCESS VILLAGE PROPERTY TO WEARHOUSE OUTLET BUILDING, INC.

WHEREAS, Wearhouse Outlet Building, Inc., has tendered a contract to purchase for \$1,800.00 the Village's parcel (approx. 163.1' x 12.8") in front of the Wearhouse Outlet Building on Howland Street, SBL 102-1-70, which parcel was given to the Village by Orange County; and

WHEREAS, Wearhouse Outlet Building, Inc., has further offered to pay all transaction costs, including the Village's attorney's fees, and

WHEREAS, the valuation of the parcel obtained by the Village and the County's full market value assessment indicates that the price offered is fair, and

WHEREAS, the Village has no need for the parcel, and

WHEREAS, the attorney for the Village has reviewed the proposed contract and advises that the terms are acceptable;

NOW, THEREFORE, be it

RESOLVED, that the Mayor and Trustees find that sales price of the parcel is reasonable and that it would be in the interest of the Village to sell the parcel to Wearhouse Outlet Building, Inc., for the price and terms offered; and it is further

RESOLVED, that the Mayor is authorized to sign, on behalf of the Village, the attached Contract and the Mayor and Attorney for the Village are authorized and directed to take the necessary actions to sell the parcel to Wearhouse Outlet Building, Inc., in accordance with the contract.

Introduced By: Trustee, Elizabeth A. Reilly

Seconded By: Trustee, Alan Battiato

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

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN/ ABSENT</u>
Mayor John Thomas Bell	[x]		
Deputy Mayor Christopher Battiato	[x]		
Trustee Alan Battiato	[x]		
Trustee Elizabeth A. Reilly	[x]		
Trustee Brian J. Boone	[x]		

18- 18 Resolution Assigning Cell Tower Revenue to the General Fund and Water Fund:

RESOLVED, that, for the 2018-2019 Village Budget, one third of all revenue generated from cellular leases for cellular towers located on properties designated for the Village Water Department shall be assigned to Village’s General Fund, and the remaining two-thirds of all such revenue shall be assigned to the Village's Water Fund.

Introduced By: Trustee, Alan Battiato
Seconded By: Deputy Mayor, Christopher Battiato
On a vote of 5 TO 0, the resolution was adopted

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN/ ABSENT</u>
Mayor John Thomas Bell	[x]		
Deputy Mayor Christopher Battiato	[x]		
Trustee Alan Battiato	[x]		
Trustee Elizabeth A. Reilly	[x]		
Trustee Brian J. Boone	[x]		

18-19 Resolution establishing a moratorium on the new review or approval of site plans or issuance of Building permits in connection with projects seeking to construct multiple dwellings as principal permitted uses in RM and B-1 district.

WHEREAS, Introductory Local Law No. 4 of 2018, was presented at the March 12, 2018, meeting of the Mayor and Trustees, proposing a moratorium on the review or approval of site plans or issuance of building permits in connection with projects seeking to construct multiple dwellings as principal permitted uses in RM and B-1 Districts, and

WHEREAS, at the March 12, 2018, meeting of the Mayor and Trustees, a public hearing was set for April 9, 2018, to hear any and all comments from the public concerning such proposed legislation, and

WHEREAS, notice of such public hearing was duly published and posted, and such public hearing was duly convened on April 9, 2018, and all persons interested were afforded the opportunity to be heard as to the proposed legislation, and

Due consideration having been given to the proposed legislation, now, therefore

Be it enacted by the Mayor and Trustees of the Village of Chester, as follows:

Section 1. Legislative Findings and Intent.

The Village Board of Trustees of the Village of Chester finds that there is a critical and compelling need, in the public interest, to impose a moratorium on the development of multiple dwellings as principal permitted uses in an RM District, which principal permitted use is also permitted in a B-1 District. The RM District Regulations provide as a Principal Permitted use:

"RS permitted uses and two-family dwellings, not to exceed two dwellings per lot."

In the past, the Planning Board has approved site plans and the Building Department has issued building permits for two two-family dwellings on a single lot. The RM District regulations require that lots only contain 12,500 square feet and be at least 100 feet wide; Village Code §98-10(A) provides that nothing will prohibit the use of pre-existing lots of less than the proscribed area or width. Under the current interpretation of RM District Regulations, multiple principle use structures can be erected on inappropriately sized lots.

It appears that the original intent of the RM District principal permitted regulation was to allow as of right only one single family or one two-family dwelling on a lot. The Village Zone Code makes a distinction between

a "Dwellings", which is a building used by one or more families, and a "Dwelling Unit", which is a building or a self-contained portion thereof which contains complete housekeeping facilities (Code §98-3(b)).

The Village is also undergoing a study of its Comprehensive Plan and there is an application before the Planning Board which seeks to construction two single family dwellings on a single lot.

The Village Board is proposing a Local Law which would revise the RM District Regulations to permit only one single family or two-family house on a lot. To provide sufficient time for study and review and passage of the introductory Local Law, the Village Board finds that it necessary and proper to pass a moratorium on the review or approval of site plans or issuance of building permits in connection with projects seeking to construct multiple dwellings as principal permitted uses in RM and B-1 Districts while the proposed Local Law is under review.

Section 2. Scope of Moratorium.

From the effective date of this local law, there shall be a moratorium on the Planning Board's review or approval of site plans or of the Building Department's issuance of building permits for two dwellings (separate structures) on a single lot in an RM or B-1 District

Section 3. Hardship review

Any person affected by this moratorium may apply to the Village's Zoning Board of Appeals for a use variance pursuant to Village Code §98-37(B)(2).

Section 4. Application to existing land use provisions.

This Local Law shall supersede any and all Village Law or Village Code provisions that require specific action upon an application before the Planning Board or Building Department. This moratorium is being adopted by Local Law, using the Municipal Home Rule Law and suspends all approval time requirements and supersedes and suspends any "default approval" provision of the site plan review statutes or Village Code. This Local Law also supersedes any requirements for Planning Board review of proposed changes to the Zoning Code.

Section 5. Expiration of Moratorium

This Local Law shall expire without further action of the Village Board upon adoption of a Village Code amendment pertaining to the RM District Regulation's principal permitted uses or three (3) months following the effective date thereof, whichever occurs first, and shall thereafter be of no force or effect. However, if it appears that any required review or study will not be completed in three (3) months from the effective date of this Local Law, the Village Board may, by Local Law, extend the period of this moratorium for an additional three (3) months or such other and further time period that is reasonable in scope or duration.

Section 6. State Environmental Quality Review Act

Pursuant to 6 NYCRR §617.5(30), this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 7. Effective Date

This Local Law shall become effective upon filing with the Secretary of State.

Introduced By: Trustee, Alan Battiato
Seconded By: Deputy Mayor, Christopher Battiato
On a vote of 5 TO 0, the resolution was adopted

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN/ ABSENT</u>
Mayor John Thomas Bell	[x]		
Deputy Mayor Christopher Battiato	[x]		
Trustee Alan Battiato	[x]		
Trustee Elizabeth A. Reilly	[x]		
Trustee Brian J. Boone	[x]		

- Village Clerk requesting permission to attend Perma Annual conference on May 24th and 25th, 2018, Lake George, NY.

A motion to authorize the Village Clerk, Rebecca Rivera to attend the Perma Annual conference on May 24th and 25th, 2018, Lake George, NY, was made by Deputy Mayor, Christopher Battiato, second by Trustee, Elizabeth A. Reilly. Motion unanimously passed.

The following property tax exemptions were read in to the minutes by Mayor John Thomas Bell:

- **Aged Income limits** – Per Orange County Legislature – LL No. 1, 2 &3 of 2018. A Local Law Amending Local Law No. 4 of 2005 as previously amended to provide for the increase of the maximum income exemption eligibility level contained therein for persons 65 years of age over, pursuant to section 467 of the New York State Real Property Tax Law.
- **Maximum income exemption eligibility level** - A Local Law Providing for a Tax Exemption upon real property based upon the maximum income exemption eligibility level for person with disabilities, limited incomes, pursuant to section 459-C of the real property tax law.
- **Tax exemption for Cold War Veterans** - A Local Law Amending Local Law No.3 of 2008 in relation to exercising certain options with regard to a real property tax exemption for Cold War Veterans as authorized by real property as authorized by real property Tax Law section 458-b.
- **Proclamation Boy Scouts of America Troop 152 of Chester, NY 10918 as follows:**

**VILLAGE OF CHESTER
BOY SCOUT OF AMERICA PROCLAMATION**

The Village of Chester, Board of Trustees are proud to recognize the outstanding achievements by residents of the Chester Community, and acknowledges that the Eagle Scout Award is a special goal to reach, which deserves particular recognition.

The Village of Chester, Board of Trustees are proud to honor the achievements of Eagle Scout

Austin C. Van Der Meulen Liam R. Murray Sean A. Campbell

each of whom who has successfully completed the Eagle Scout requirements of the Eagle Scout Award, which entitles these individuals the right to cross over to Eagle Scouting.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Village Board of the Village of Chester do hereby wish to congratulate each of these Scouts, and,

BE IT FURTHER RESOLVED, that a copy of this Proclamation be inserted in the minutes of the Village Board meeting on April 9, 2018.

Introduced By: Trustee, Alan Battiato
Seconded By: Deputy Mayor, Christopher Battiato
On a vote of 5 TO 0, the resolution was adopted

A motion to schedule a public hearing regarding Introductory Local Law 2 of 2018 on April 9, 2018 at 6:45pm, was made by Trustee Alan Battiato, second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

Mayor John Thomas Bell thanked Trustee, Alan Battiato for the donating a Minolta copier to the Village Clerk's office, a generous donation made by his company.

CALENDAR:

- Chester Public Library is holding an event on Saturday. April 21, 2018, 10am – 1pm – 1st Volunteer Fair. This is open to families as well as individuals of all ages.
- Chester Cemetery - Trustee Elizabeth A. Reilly made mention that the Chester Cemetery Committee is looking for donations. The Chester Committee will be selling flags, five dollars a flag in order to raise fund for the upkeep of the cemetery. Joan Ribando who is part of the committee will be in charge of selling flags and she can be reached at 845-469-4208.
- Veteran's Honor Flight at Stewart Airport – leaving at 6:45am. Welcome home arriving at 7:30pm or 7:45pm.
- Chester Academy presenting Adams Family Play on 4/13/18 at 7pm and 4/14/18 at 7pm, tickets are \$10 each.
- Proposed Comprehensive Plan meeting will be held on May 2, 2018 at 7pm, Location: 47 main street, Chester, NY 10918, Village of Chester meeting room 2nd floor above police department.
- CHESTER KIWANIS 5K Hambletonian Race, Memorial Day Weekend, Saturday **May 26th, 2018**, **Start Time: 8:45 am**

PUBLIC COMMENTS:

Michelle Deshler representing the VOC Community Association was present and mentioned they are having a brick fundraiser for Larkin's Greens. The bricks are \$40 each and can be engraved at no extra cost. Village wide yard sale – taking place on June 9, 2018, with a rain date of June 10, 2018.

ADJOURNMENT:

A motion to adjourn the meeting was made by Trustee Alan Battiato, second by Trustee Brian J. Boone. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera
Village Clerk