

**Village of Chester  
Board of Trustees Meeting Minutes  
September 11, 2017**

The Board of Trustees of the Village of Chester held their monthly meeting in the Village Hall meeting room on Monday, September 11, 2017.

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

Also, present: Village Treasurer Angela O’Neill, Attorney for the Village Harold Pressberg, Village Police Chief Peter Graziano, Village Street Superintendent Charles Bono, and Water Commissioner Gary Green, Jr.

Absent: Village Clerk Rebecca Rivera and Building Inspector/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. Mayor Bell asked for a moment of silence in memory of September 11, 2001.

**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 Trustee Alan Battiato. Motion unanimously passed.

**APPROVAL OF MINUTES:** Monthly meeting minutes of August 14, 2017.

A motion to approve the Monthly meeting minutes of August 14, 2017, by Trustee Brian J. Boone, second by Deputy Mayor, Christopher Battiato. Motion unanimously passed.

**CASH BALANCES ENDING AUGUST 31, 2017**

<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)	----	--	625.37	2,905,578.42
Checking (Orange Bank & Trust)	94,295.93	474,596.93	15.50	131,119.54
Savings (Orange Bank & Trust)	--	--	386.04	4,132,508.21
<b><u>Water Fund</u></b>				
Capital Checking	--	17,694.00	9.26	92,134.55
Checking	38,106.13	67,716.02	17.45	325,521.13
<b><u>Sewer Fund</u></b>				
Checking	34,431.92	306,756.04	42.47	605,849.77

Cumulative Fiscal Year Interest Earned by Fund 06/1/17 – 05/31/2018

General Fund	\$	2,836.92
Water Fund	\$	83.02
Sewer Fund	\$	103.92

**Treasurer’s Discussion:**

1. **STATEMENT OF REVENUE & EXPENDITURES:** Year to Date Report is attached.
2. **2017-2018 COLLECTION:** Collection of Village Property Taxes and Sewer continues. Sewer installment #2 is due by 9/30/17

**3. UNPAID TAX NOTICES:** Notice of unpaid 2017-2018 Village Property Tax were mailed on 9/7/2017. Village Property Tax is due no later than 10/31/17.

Respectfully submitted,

Angela O'Neill  
Village Treasurer

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

**BUILDING REPORT:** Building Inspector/Code Enforcement Officer, John Orr, was absent. No report was submitted.

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

**1. Personnel:**

- No Issues

**2. Citizen Issues:**

- Town of Chester Touch-A-Truck will be 16 Sep 17 9A-2P at the Town of Chester Highway Garage. Car seat technicians will be on hand to help residents with installing car seats and checking recalls.

**3. Public Safety Issues:**

- Traffic Details: Continuing.
- Everyone is reminded that school is open and to be vigilant for students at bus stops, be alert for students crossing the street and not to pass stopped school buses with red lights flashing.

**4. Facilities:**

- No issues

**5. Equipment:**

- No issues

**6. Vehicles:**

- No issues.

**7. Other:**

- No issues.

**8. Department Activity YTD:**

Call Type	2017
Calls for Service	1,901
Criminal Cases	378
Arrests	233
Traffic Accidents	138

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

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

We have completed our chip sealing project on Vista Dr., Valley View, Meadow View Terrace and in Chester Acres. The project was completed in two days. Overall the project turned out to be very successful with minimum problems. Special thanks to the Town of Chester Highway Dept. for the use of their trucks that supply stone to the chip machine. The Village of Florida DPW, John Orr, and the Water Dept. for their help with the ground work and traffic control and our Police Dept. Completing special projects like these require a lot of resources. Without all of these people, the job would not have turned out as successful as it did.

The excess stone that was left on the street from chip sealing has been swept up. We used our two sweepers to pick up the excess stone, which allowed us to pick the stone up in just two days.

We have repaired a catch basin by 19 Carpenter Rd.

We have replaced 200ft. of 18" drainage pipe on Vadala Rd.

Work continues at the school with renovation of the fields. However, they ran into a few obstacles: drainage issues, fence and netting issues.

We have completed our 3<sup>rd</sup> round of road side mowing, weed-whacking and picking up debris throughout the village for Labor Day.

We have started work on our new Fuel Storage Facility. We are currently in the process of preparing ground work for the concrete slab and underground conduit for the electric.

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

A motion to accept the Street Department report, as read, was made by Deputy Mayor Christopher Battiato, second by Alan Battiato. Motion unanimously passed.

Trustee, Brian Boone asked Charles Bono, Street Superintendent, if the lines would be painted again at West Street. Street Superintendent Charles Bono responded that yes, the lines would be painted again, scheduled to be done soon.

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

- 1) Daily filtration plant and well operations
- 2) Twice per week filter cleaning
- 3) Weekly mowing of facilities
- 4) Installed new LED outdoor lights at filtration plant
- 5) Lead and copper testing paperwork finished and sent to the Health Department
- 6) Staining of the wooden fence at the plant is completed
- 7) Painting of fire hydrants continues
- 8) Monthly samples were taken to lab for testing
- 9) Marking out water lines for Dig Safe, N.Y.
- 10) Collection of past due water bills from May billing is complete

A motion to accept the Water Department report, as read, was made by Trustee Elizabeth Ann Reilly. Second by, Trustee Alan Battiato. Motion unanimously passed.

Mayor John T. Bell asked Water Commissioner Gary Green, Jr. how far down the lake was. Water Commissioner Gary Green, Jr. responded that last week it was eleven inches down. The Village is in good shape going into the winter. Gary Green, Jr., stated that water usage has been cut down by 40,000 gallons per day, and the excess is being picked up at the well, producing 80,000 gallons per day at the well.

**PARK & RECREATION:** No report. Mayor John Tom Bell mentioned the following:

The 3<sup>rd</sup> Annual Touch – A – Truck event sponsored by the Town of Chester Parks & Rec Dept. on Saturday, September 16, 2017 from 9:00AM to 1PM at the Town of Chester Highway Dept. located on 77 Laroe Road in Chester.

The August Music Series coordinated by the Town of Chester Parks & Rec Dept. is concluded. Some very good bands performed. Unfortunately it was not well attended, possibly because of the word not getting out, but the plans are to continue and build on the concept.

**OTHER BUSINESS:**

Mayor John T. Bell stated Village Hall will be closed on October 9, 2017, due to Columbus Day. Village Board Meeting is rescheduled for Tuesday, October 10, 2017 at 7:00PM. A motion to change the Village Board Meeting date to October 10, 2017, at 7:00PM was introduced by Trustee Elizabeth Ann Reilly and second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**RESOLUTION:**

**17.30 RESOLUTION ACKNOWLEDGING RECEIPT OF VILLAGE OF CHESTER PLANNING BOARD’S REPORT RESPONDING TO REFERRAL OF PROPOSED LOCAL LAW #4 OF 2017, AMENDING THE ZONING CODE 98-20 (E) OFF-STREET PARKING AND LOADING, COMPUTATION OF SPACES IN A B-1 ZONE, AND SCHEDULING PUBLIC HEARING:**

**WHEREAS**, on August 31, 2017, the Village Planning Board reported, as provided in Village Code 98-40(A), that it recommended the adoption of Proposed Local Law #4, Amending the Zoning Code 98-20 (E) Off-street Parking and Loading, Computation of Spaces in a B-1 Zone, with certain changes as set forth in its Report, and

**WHEREAS**, the Orange County Planning Board recommended “Approval” in its July 11, 2017, response to the referral required by General Municipal Law§239-l,m,n; it is hereby

**RESOLVED**, that a public hearing be held on October 10, 2017, at 6:45 pm, on the Proposed Local Law #4 in the form suggested by the Village Planning Board and that the Village Clerk is directed to cause notice thereof to be given in accordance with Village Code §98-42.

Introduced By: Deputy Mayor, Christopher Battiato

Seconded By: Trustee, Elizabeth Ann Reilly

	FOR	AGAINST
Mayor, John Thomas Bell	X	
Deputy Mayor Christopher Battiato	X	
Trustee Alan Battiato	X	
Trustee Elizabeth A. Reilly	X	
Trustee Brian J. Boone	X	

The Resolution was thereupon duly adopted.

**30 – DAY WAIVER FOR CLAYTON DELANEY’S DINING SALOON:** A motion to grant the 30-day waiver was introduced by Trustee, Betty Ann Reilly and second by Trustee, Alan Battiato. Motion unanimously passed.

**TRANSFER OF PARKING LOT AT 6 HOWLAND ST DISCUSSION:** A history of the current Warehouse Outlet Building was discussed as presented Mr. Barry Adelman by distribution of the document below:

**History of the Warehouse Outlet Building at 6 Howland St. Chester NY**

1. 1910-1915 Building is constructed
2. The boundary line in front of the building is only 3 ft. from the building. The land between the building property line and Howland street is owned by Erie Railroad. At the time, there was a very active railroad station across the street. At one point in time there was a railroad track to the building for shipping/receiving. Not sure when that was added or removed, but it was gone in November 1979 when the building was purchased by Warehouse Outlet Building Inc.
3. The railroad was still running in 1979. Warehouse Outlet Building paid \$200/year to the railroad for the use of the property as the parking lot. About 1983-84 the railroad stops operating. Warehouse Outlet Building stops paying rent for the parking lot, but continues to maintain it including black topping it.
4. 1994 – the County by eminent domain takes the railroad station and surrounding properties owned by the railroad including the parking lot at Warehouse Outlet Building Inc.

5. The County gives the property to the Village and the Village gives the railroad station building to the Chester Historical Society. They may have sold it for \$1.
6. 1994-2009 – Village blacktops downtown area including Main & Howland Streets. Doesn't touch the parking lot at 6 Howland St. Warehouse Outlet Building continues to snow plow and salt every year. Village also maintains all the small parcels of land previously owned by Erie Railroad except the parking lot at 6 Howland St.
7. 2009 – Warehouse Outlet goes before the planning board for a potential new tenant and discovers they need additional parking and cannot count the parking lot in front of the building as off-street parking because the boundary line is only 3 Ft. from the building. After some investigation, it is discovered that this land is now owned by the Village, who has neglected it for the last 15 years.
8. December 6, 2009 – Article in the Times Herald Record tells the story of the parking lot in question. After that article, the Village began plowing and sanding.
9. Approximately 2012, I contacted Mayor Valastro to tell him a section of Howland St where it met the parking lot was in serious need of repair. Eventually the Village made those repairs.
10. The property needs new black topping, stripping, etc. The property is in essence an unanticipated expense and liability to the Village. It makes sense for everyone concerned to sell the property to the Warehouse Outlet Building Inc. for a reasonable price. The property has no value to anyone else except as a parking lot to the building at 6 Howland St. It has been used as that parking lot for over 50 years.

A copy of a rough survey from the year 2000 and a copy of a newspaper article from December 6, 2009, about the parking lot matter was also distributed. Mr. Barry Adelman suggested that subsequent to the issue of the newspaper article, the Village began to maintain the parking lot by plowing and sanding and taking care of the property. Mr. Adelman stated that at one point in time he contacted Mayor Valastro to discuss the condition of the parking lot, and Mayor Valastro did take care of the parking lot repairs. Mr. Adelman stated that the parking lot is once again in bad condition and needs to be blacktopped once again and he is willing to do the work himself. Mr. Adelman suggested that he is interested in having the parking lot conveyed to him and he would be willing to do the repairs, paint the building and spruce up the property overall. Mr. Adelman stated that he understands the Village cannot give property away, and he is willing to pay for it if the price is reasonable. Trustee Betty Ann Reilly asked Mr. Adelman what price he had in mind for the property, and Mr. Adelman responded that he was not thinking about anything, or a price as little as possible. Mr. Adelman stated that the property is a liability for the Village and mentioned a metal fence on top of a retaining wall that was there in the past and is now gone and can be considered dangerous if anyone were to fall off. Mr. Adelman suggested that he would like to fix the fence, parking lot, etc.

Mr. Adelman's attorney, Gardner Barone of Bluestein, Shapiro, Rich & Barone LLP, stated that he encourages all present to visit the parking lot and building at 6 Howland Street and walk the property in particular the right side of the building; a fence which was on top of the retaining wall has been gone for many years. Mr. Barone suggested that the lot is not well maintained, and Mr. Adelman is willing to make the necessary repairs. Mr. Barone suggested that the Village Board should consult with counsel on the possibility of a land transfer or long-term lease relationship where improvements to the land can be made and the value of the improvements can be recovered through the terms of the lease. Trustee Alan Battiato asked if the price of the needed improvements have been determined. Mr. Barry Adelman responded that no; he did not know the price. Mr. Barone requested that dialogue between himself, Mr. Adelman and a designated Board member as the point of contact be started so options can be derived and determine which solution makes sense for all parties. Mayor John T. Bell was the point of contact established. Mayor Bell stated that when he served as Street Superintendent the parking lot was always maintained, and now that Mr. Adelman has finally decided to cut down sumac trees that have been growing out of the concrete for years, he is placing blame on the Village, because for many many years Mr. Adelman has not taken care of his property. Mayor stated that years ago the Village of Chester had discussions with Mr. Adelman regarding selling the property to him. The Attorney for Village, Mr. Harold Pressberg, stated that back in 2011, an appraisal for the property was required as part of the sale, and no such appraisal was done. Mr. Adelman stated that he backed out of the deal because he was not willing to pay the offered price of \$10,000. Attorney for the Village Pressberg stated the recommendation is to have the property appraised so a fair sale price can be determined. Mr. Adelman stated he does not want to pay for the appraisal and asked why doesn't the Village pay for the appraisal. Mayor Bell stated that if the Village pays for the appraisal, the cost of the appraisal would be added on to the sale price. Trustee Betty Ann Reilly asked how big the parcel is, and Mr. Adelman responded that it is approximately 20'X90'. The Street Superintendent asked that the dumpsters be removed from their current location due to automobile visibility issues. Discussion of placement of dumpsters took place, and Deputy Mayor Christopher Battiato stated that although permission was granted by the Mayor to place dumpsters in the current location, things change over the years, and the dumpsters should be placed on Mr. Barry Adelman's property, not Village property. Mr. Barone suggested that part of the solution to these issues is for the Village to lease the property to Mr. Adelman. Mayor Bell stated leasing would not be an option. The Village Board decided to meet and discuss options to sell the property to Mr. Adelman.

Trustee Betty Ann Reilly introduced a motion to meet with the Village Board and Village attorney to determine a mutual agreement second by Trustee Alan Battiato. Motion unanimously passed. Deputy Mayor Battiato stated that he wanted confirmation that with this motion, there is no obligation to sell the property to Mr. Adelman. Mayor Bell and Attorney for the Village Pressberg confirmed that no obligation to sell exists as a result of this motion.

**53 CROMWELL ROAD REQUESTING WATER SERVICE:** Mr. Dan Moynihan, new owner of 53 Cromwell Road, appeared before the Village Board to request water service. Mr. Dan Moynihan stated that he is closing on this property on Thursday, September 14, 2017, but wanted to confirm permission to turn water service on would be granted. A motion to turn the water back on at 53 Cromwell Road was introduced by Trustee Betty Ann Reilly, second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**EAP EMPLOYEE ASSISTANCE PROGRAM RENEWAL:** A motion to grant Mayor Bell permission to sign the renewal was introduced by Trustee Elizabeth Ann Reilly second by Trustee Brian J. Boone, pending distribution of contract to the Village Board Members and Attorney for the Village for review. Motion unanimously passed.

**VILLAGE CLERK REQUESTING PERMISSION TO ATTEND NEW YORK STATE RETIREMENT EMPLOYER EDUCATION:** Village Treasurer provided a brief description of what the agenda for this class would be. A motion to allow Village Clerk Rebecca Rivera to attend the session was introduced by Trustee Brian J. Boone and second by Trustee Alan Battiato. Motion unanimously passed.

**RESOLUTION:**

**17.31 RESOLUTION PROCLAIMING THE MONTH OF OCTOBER 2017 AS ANTI-BULLYING AWARENESS MONTH:**

**WHEREAS,** we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and

**WHEREAS,** many organizations, school districts, educators and parents have publicly expressed concern about bullying of children; and

**WHEREAS,** each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in chronic state of anxiety; and

**WHEREAS,** it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

**WHEREAS,** providing a safe physical and emotional environment is a significant goal and personal responsibility of each individual; and

**WHEREAS,** it is time to "Stand UP for character- DOWN to Bullying!",

**NOW, THEREFORE,** be it hereby

**RESOLVED** that the Mayor and Board of Trustees of the Village of Chester, do hereby designate the month of October 2017 as Anti-Bullying Awareness Month in the Village of Chester as a symbol of our commitment to the year-round struggle against bullying; and be it further

**RESOLVED** that the Village Clerk is hereby directed to display a copy of this resolution at Village Hall, and to e-mail a certified copy of this resolution to the Academy for Character Education at the Sage Colleges.

**RESOLVED,** that the Village Clerk shall, forthwith, provide the Chief of Police with a certified copy of this resolution.

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

John T. Bell, Mayor.

Introduced by Trustee Elizabeth A. Reilly and second by Deputy Mayor Christopher Battiato. Resolution unanimously passed. Motion to have Mayor Bell sign said resolution was introduced by Trustee Elizabeth A. Reilly and second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**RESOLUTION:**

**17.32 RESCHEDULING THE OCTOBER 2017 VILLAGE BOARD MEETING:**

**WHEREAS** the October 2017, meeting of the Board of Trustees of the Village of Chester is currently scheduled to be held at 7:00 p.m. on October 10, 2017 at the Village Hall.

**NOW, THEREFORE**, be it hereby

**RESOLVED** that the Board of Trustees of the Village of Chester, New York will hold its October 9, 2017, meeting on October 10, 2017 at 7:00 p.m. at the Village Hall; and be it further;

**RESOLVED** that the Village Deputy 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 Elizabeth Ann Reilly

Second by: Trustee Brian Boone

Resolution unanimously adopted.

**PUBLIC COMMENTS:**

Whispering Hills resident Annie Englehardt and the Board of Managers at Whispering Hills wanted to thank Street Superintendent Charles Bono, Chief of Police Peter Graziano for the help given during the paving project.

Dan Schiavo of Beacon Place LLC gave a short presentation in terms of awareness of the program the organization offers for victims of traumatic brain injury and post-traumatic stress disorders. They offer structured day programs to introduce positive behavioral intervention support through community integration and counseling. They provide Positive Behavioral Interventions and Support Services as well as Occupational Therapy, Speech & Language Therapy. Beacon Place LLC, hopes to partner with Bon Secours in the near future in hopes of obtaining non-profit status and offer additional programs. Day Programs are available in Highland Mills and transportation is available for Medicaid patients. Program literature is available at Village Hall located at 47 Main Street, Chester NY.

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Trustee, Elizabeth Ann Reilly, second by Trustee, Alan Battiato.

Respectfully submitted,

Angela O'Neill  
Deputy Clerk