

**Village of Chester  
Board of Trustees Meeting Minutes  
May 11, 2020**

The Board of Trustees of the Village of Chester held its monthly meeting via video/tele-conferencing at 7 pm, on Monday, May 11, 2020.

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, Treasurer Angela O'Neill, Attorney Brian Nugent, Attorney John Kolesar, Shannon Daly of Feerick, Nugent and MacCartney, Village Police Chief Peter J. Graziano Jr., Village Street Superintendent Charles Bono, Water Commissioner Gary A. Green Jr and Village Code Enforcement Officer John Orr.

Village of Chester Monthly Meeting notice as published in the official newspaper, Times Herald Record.

PLEASE TAKE NOTICE that the Village Board of the Village of Chester will conduct a Village Board Meeting on May 11, 2020, commencing at 7:00 PM to consider any matters that may be brought. There is no physical meeting location in order to ensure the health, safety and welfare of the Village residents, but for the purposes of compliance with the applicable law, the Meeting will be conducted via video/tele-conferencing and the Board Members as well as members of the public may participate in the Meeting by videoconferencing, access to which is shared by the weblink provided below, or by telephone, access to which is shared by the telephone number. The weblink is also available on the Village's website as a hyperlink for easier access:

Please click the link below to join the webinar:

**<https://us02web.zoom.us/j/860039776?pwd=RVcxVjhxV0I3d3ZiRXNNTDI6Nlppdz09> Password: 398313**

**Or dial-in by Telephone: (929) 205-6099**

**Webinar ID: 860 039 776**

**Password: 398313**

The Meeting is being held in accordance with the New York State Public Officers Law and Executive Order 202.1 ("EO 202.1") issued on March 12, 2020, by New York State Governor Andrew Cuomo, which suspended Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and pursuant to Executive Order 202.15 that authorized public hearings to be held by videoconferencing or similar services. For any person unable to participate at the time of the meeting, email comments may be submitted in advance to [clerk@villageofchesterny.com](mailto:clerk@villageofchesterny.com).

Accordingly, NO IN-PERSON ATTENDANCE IS PERMITTED FOR THE MEETING. Public comment will be permitted.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF CHESTER, NY

Rebecca Rivera, Village Clerk

April 27, 2020

Mayor John Thomas Bell opened the meeting at 7:05 PM with the Pledge of Allegiance.

Mayor John Thomas Bell thanked everyone attending the meeting via audio/video conferencing.

**AUDIT OF BILLS:** Mayor John Thomas Bell noted that the audit of April 2020 Village's monthly bills for approval was complete.

A motion to pay the audited bills of April 2020, was made by Trustee Elizabeth A. Reilly, seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**APPROVAL OF MINUTES:** Public Hearing and Monthly meeting minutes of April 13, 2020.

Mayor John Thomas Bell noted that the Public Hearing and Monthly meeting minutes of April 13, 2020, were completed and distributed to all Board members.

A motion to accept Public Hearing and Monthly meeting minutes of April 13, 2020 as presented, was made by Deputy Mayor Christopher Battiato, seconded by Trustee Elizabeth A. Reilly. Motion unanimously passed.

**TREASURER’S REPORT:** Treasurer Angela O’Neill read Treasurer’s report as follows:

**CASH BALANCES ENDING April 30, 2020**

<b><u>Fund/Bank Account</u></b>	<b><u>Deposits</u></b>	<b><u>(Disbursements)</u></b>	<b><u>Interest</u></b>	<b><u>Ending Balance</u></b>
<b>General Fund</b>				
Savings (Sterling National Bank)	--	--	669.18	3,212,774.93
Checking (Orange County Trust)	183,278.55	418,001.62	12.79	206,473.30
Savings (Orange County Trust)	--	--	300.92	1,049,225.79
<b>Water Fund</b>				
Capital Checking	--	--	19.35	138,782.84
Checking	21,406.87	38,315.59	19.84	395,027.25
<b>Sewer Fund</b>				
Checking	110,216.89	319,835.20	16.82	362,598.72

**Cumulative Fiscal Year Interest Earned by Fund 06/1/19 - 05/31/2020**

General Fund	\$ 24,400.64
Water Fund	\$ 385.05
Sewer Fund	\$ 300.52

**Treasurer’s Discussion:**

- 1. STATEMENT OF REVENUE & EXPENDITURES:** Was emailed to you. Hard Copies will be placed in your mailbox on Monday 5/18/2020.
- 2. 2019-2020 INTERFUND TRANSFERS:** Interfund Revenue Transfers for the water and sewer funds were made on Friday, May 8, 2020.
- 3. 2020-2021 TAX COLLECTION NOTICE:** A Tax Collection Notice (attached) has been prepared and will be published in the Times Herald Record for (2) consecutive Sundays beginning 5/17/2020.

**\*(Tax Collection presented at meeting was revised and attached to the minutes)\***

**4. 2020-2021 SEWER CHARGES:** Sewer Bills will be issued on 6/1/2020. Quarterly installments are due by 6/30/2020, 9/30/2020, 12/31/2020 and 3/31/2021. Any installment received after their due date will incur penalties. Please review the back of your bill for additional billing information.

A motion to accept Treasurers report as read by Treasurer Angela O’Neill was made by Trustee Alan Battiato, seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**Roll Call**

	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain/Absent</u></b>
Trustee Brain J. Boone	[ x ]	[ ]	[ ]
Deputy Mayor Christopher Battiato	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ x ]	[ ]	[ ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Mayor John Thomas Bell	[ x ]	[ ]	[ ]

**BUILDING REPORT:** Village Code Enforcement Officer John Orr read Building report as follows:

No major change in construction as most construction or all of it should be halted at this time. We are anticipating a rush on building permits with a pause from the state right now we haven’t been issuing any permits. We will be issuing permits once the Governor gives us the ok to do so. On the Planning Board end I would like to update you, that we had two Zoom meetings. We’ve had a regular planning board meeting and we’ve had a work session. We’ve moved that Planning Board to every two-week meeting because of the amount of applications we have, its difficult to hear 6 applicants in one meeting. We posted the change and notices have been sent out. We are going to try our first Public Hearing via Zoom (audio and web conferencing)tomorrow night.

Trustee Reilly asked Village Code Enforcement Officer John Orr if the housed Main Street near the cemetery , that is currently under construction (171 Main St.) is going to be an office, apartments or single family.

Village Code Enforcement Officer John Orr said, it’s going to be a single family.

Trustee Reilly asked Village Code Enforcement Officer John Orr the topic of the public hearing schedule.

Village Code Enforcement Officer John Orr stated that there are two Public Hearings, one for Linda Jones property located on 153 Main St., and the second a lot line change for The Castle and V. Fred VanDerMeulen’s property on Brookside Ave.

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

**POLICE REPORT:** Police Village Police Chief Peter J. Graziano Jr., read his report as follows:

**1. Personnel:**

- No officers have been infected to date by the COVID-19 or shown any symptoms.

**2. Citizen Issues:**

- Patrols performed a 31<sup>st</sup> birthday drive-by at 43 Meadow Ave (Fee) on 8 May.
- Patrols performed a 5<sup>th</sup> birthday drive-by at 8 Elm St. (Collins) on 9 May.
- Thanks to Allstate Insurance and Allan’s Falafel for lunch, Girl Scout Troop 763, Cookies and CVS for Easter treats.

**3. Public Safety Issues:**

- Traffic Details: Continuing.
- Officers have been standing by at the Shoprite from 6A-7A for seniors to shop since 23 March at the request of the store manager. No incidents reported.

**4. Facilities:**

- No Issues.

**5. Equipment:**

- We have received the following, some of which have been shared with other Village Departments as necessary:
- Orange County Emergency Services, N95 and surgical masks, gloves
- JP Packing for another donation of surgical masks as well as sanitizer.

**6. Vehicles:**

- No Issues.

**7. Other:**

- No Issues.

**8. Department Activity YTD:**

Call Type	2020	2019	+/-
Calls for Service	703	628	75
Criminal Cases	091	099	-8
Arrests	049	063	-14
Traffic Accidents	031	030	-1

Village Police Chief Peter J. Graziano Jr. made mention that he has interviewed applicant Jennifer Tortino and having completed the first phase of the academy she is ready for the second phase. Village Police Chief Peter J. Graziano Jr. asked the Village Board for permission to sponsor the applicant for the second phase of the academy, which will start September 2020 at no cost to the village.

A motion to authorize Village Police Chief Peter J. Graziano Jr. for permission to sponsor the applicant for the second phase of the academy, which will start September 2020 at no cost to the village was made by Trustee Elizabeth A. Reilly, second by Trustee Alan Battiatto.

**Roll Call**

	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain/Absent</u></b>
Deputy Mayor Christopher Battiatto	[ ]	[x]	[ ]

Trustee Brian J. Boone	[ x ]	[ ]	[ ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ x ]	[ ]	[ ]
Mayor John Thomas Bell	[ x ]	[ ]	[ ]

Village Board approved the purchase of two uniforms for Jennifer Tortino.

Trustee Brian J. Boone asked Mayor John Thomas Bell if we are currently on a spending freeze.

Mayor John Thomas Bell stated yes. Mayor also mentioned that budget freeze memo will be going out again tomorrow to remind all the departments.

A motion to accept Police report as read by Village Police Chief Peter J. Graziano Jr. was made by Trustee Elizabeth A. Reilly, seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**STREET REPORT:** Village Street Superintendent read the Street Department report as follows:

We started working a couple days on the Amphitheater bringing more topsoil as needed.

We worked on Chester Acres Blvd. removing blacktop and concrete that has been broken up.

We have it all cleaned up. Now we are waiting for some nice weather so that we can finish putting the blacktop down to finish the job.

We removed two dead trees on Elm Street that were by the sidewalk and the electric lines, with the help of Orange and Rockland.

We also trimmed a few tree limbs that were near the electric wires on North Hudson Street.

Tires can be brought to the Town of Chester Highway Department during the second and third week of May, during the hours of 7:30 am to 3:30 pm, however, they must be off the rims.

A reminder regarding bulk items, you must schedule an appointment to have it picked up. Please contact Inter Waste Systems at 845-572-3300.

We also repaired the fence at the 911 monument, we had a few sections that were knocked down from all the wind we've been having.

We worked on Leone Lane and Railroad Ave., trimming back trees.

We spent a couple days removing our snow equipment and putting them away for the summer.

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

A motion to accept the Street Department's report as read by Village Street Superintendent Charles Bono was made by Trustee Brian J. Boone, seconded by Trustee Alan Battiato. Motion unanimously passed.

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

- 1) Daily filter plant & well operations
- 2) Twice per week filter cleaning
- 3) Monthly samples taken to the lab.
- 4) Mark outs for Dig Safe NY.
- 5) Meters were read system wide
- 6) Installed new Chlorine analyzer at the Well House.
- 7) Turned on new water service at Whispering Hills for the unit that is being restored after the fire.
- 8) Installed a new curb box at 14 Meadow Ave.
- 9) Turned off water at the temporary cement plant in the industrial park. They will be moving it to build the new Steris building.

A motion to accept the Water Department's report as read by Water Commissioner Gary A. Green Jr., was made by Trustee Brian J. Boone, seconded by Trustee Alan Battiato. Motion unanimously passed.

**PARK & RECREATION:** There was no one present from the Park & Recreational Department.

**OLD BUSINESS:**

**20-12 Resolution Certifying Delinquent Sewer and Water 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 and/or water services, including, but not limited to, late fee, interest and/or penalties; and

WHEREAS, pursuant to sections 79-45 and 95-11 of the Code of the Village of Chester, the Village Board may, as an alternative to the commencement of an action, levy past due sewer charges and water charges, and the associated late fees, interest and penalties, upon the real property in default; and

WHEREAS, the Village Clerk has prepared a statement setting forth the amount of each lien for sewer charges and/or water charges in arrears, including penalties computed to the first day of the month following the month in which the fiscal year commences, the real property affected thereby, and the name of the person in whose name such real property is assessed, a copy of which is attached hereto as Schedule "A,"

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 "A" attached hereto; and be it 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;

and be it further

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

Introduced By: Trustee Elizabeth A. Reilly

Seconded By: Trustee Brian J. Boone

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

## **NEW BUSINESS:**

### **20-15 Resolution Regarding Appointment of Special Counsel for Legal Representation**

WHEREAS, the Village Board of the Village of Chester has been notified that the current Village Board Counsel, Henry Christensen, has announced his retirement from the practice of law and thereby is discontinuing his services for the Village; and

WHEREAS, the Village wishes to acknowledge the outstanding legal services provided by Mr. Christensen and his firm to the Village for prior years and extends its best wishes to him in his future endeavors; and

WHEREAS, the Village Board desires to retain the legal services Feerick Nugent MacCartney, PLLC to act as legal Counsel to the Village Board pursuant to contract. In addition, the Firm will act as legal Counsel for all Labor Relations matters and will serve as legal Counsel to any Village Boards and Commissions as directed by the Village Board in place of the Law Firm of Norton & Christensen (Henry Christensen, Esq.); and

WHEREAS, Special Counsel will undertake said representation upon the same terms of compensation as Norton & Christensen with regard to all matters; and

WHEREAS, the Village Board wishes to effectively and efficiently transition legal Counsel from Norton & Christensen to Special Counsel upon the enactment of this Resolution and request both Counsel to work cooperatively in that regard.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The above "WHEREAS" paragraphs are incorporated herein by reference.

Section 2. The Village Board hereby authorizes Special Counsel to undertake all Village Board matters and any litigation or other legal services for the Village as currently provided by Norton & Christensen and such substitution by Special Counsel on all pending litigation and all other matters shall take place immediately and all other Village matters shall also be handled by Special Counsel immediately and in the future.

Section 3. The Village Board hereby authorizes Special Counsel to provide all legal services to the Village for all Village Board matters and serve as legal Counsel to any Village Boards and Commissions as directed by the Village Board.

Section 4. Said Special Counsel shall provide such legal representation on the same terms and conditions of compensation as currently provided to the Village by its now discharged Legal Counsel, Norton & Christensen as set forth in the annexed Agreement.

Section 5. The Village Clerk and any other Village officer or employee is to proceed as directed by the Mayor to take any and all actions necessary to carry out the provisions of this Resolution.

Section 6. This Resolution shall be effective immediately.

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

Introduced By: Trustee Elizabeth A. Reilly  
Seconded By: Deputy Mayor Christopher Battiato  
On a vote of 5 to 0, the resolution was adopted

**Roll Call**

	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain/Absent</u></b>
Deputy Mayor Christopher Battiato	[ x ]	[ ]	[ ]
Trustee Brian J. Boone	[ x ]	[ ]	[ ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ x ]	[ ]	[ ]
Mayor John Thomas Bell	[ x ]	[ ]	[ ]

**Calendar:**

Snow Ordinance is NO LONGER in effect as of April 15, 2020.

On Monday, May 25, 2020, Village Clerk’s Office will be Closed Memorial Day, Village of Chester Music Series has been cancelled for the month of June.

E-Bill service is available. If you would like to sign-up go to Village website under forms.

Water & Backflow payments are due June 1, 2020. Village Property Tax & Sewer will be mailed June 1, 2020.

The Chester Cemetery Association will hold their Annual “Sponsor a Flag” fundraiser during May (Memorial Day). Sponsor a flag for five dollars to support the upkeep of the Chester Cemetery. Joan Ribando is part of the committee will oversee the selling of the flags. She can be reached at 845-469-4208 or contact Trustee Elizabeth A. Reilly A. Reilly at 845-742-4077

\*See our calendar for more upcoming meetings and events\*: <https://www.villageofchesterny.org>

**Public Comments:**

Leslie Smith asked if the Comprehensive committee is going to proceed with the Public Hearing for the Proposed Comprehensive Plan. She also asked, if it’s an in-person meeting, if we could find a larger venue. After some discussion the Village Board agreed to schedule a date to hold the Public Hearing for the Proposed Comprehensive Plan.

A motion to schedule a Public Hearing for the Proposed Comprehensive Plan on June 25, 2020 at 7pm was made by Trustee Brian J. Boone, second by Deputy Mayor Christopher Battiato.



**Adjournment:**

A motion to close the monthly meeting at 7:52 pm was made by Trustee Alan Battiato, seconded by Trustee Brain J. Boone. Motion unanimously passed.

Respectfully,

Rebecca Rivera  
Village Clerk