

**Board of Trustees
Monthly Meeting Minutes
July 11, 2022**

The Board of Trustees of the Village of Chester held its monthly meeting at the Village of Chester, 47 Main Street, Chester, NY conference room at 7:00 pm, on Monday, July 11, 2022.

Members present: Mayor Christopher Battiato, Deputy Mayor Elizabeth A. Reilly, Trustee Brian J. Boone, Trustee Alan Battiato and Trustee Anthony Laspina.

Also present: Clerk/Treasurer Angela O'Neill, Village Street Superintendent Charles Bono, Water Commissioner Gary A. Green Jr., Village Code Enforcement Officer John Orr, and Chief Timothy McGuire. Deputy Clerk, Jennifer Cruz was absent.

CALL THE MEETING TO ORDER:

Mayor Christopher Battiato called the meeting to order.

Mayor Christopher Battiato opened the meeting at 7:00 pm lead with the Pledge of Allegiance.

Mayor Christopher Battiato thanked everyone for attending the meeting.

AUDIT OF BILLS: Mayor Christopher Battiato noted that the audit of June 2022, Village's monthly bills for approval was complete.

A motion to pay the audited bills of June 2022, was made by Deputy Mayor Elizabeth A. Reilly, seconded by Trustee Alan Battiato. Motion unanimously passed.

APPROVAL OF MINUTES: Approval of Special Meeting Minutes of June 2, 2022, meeting.

A motion to accept the approval of the special meeting minutes for June 2, 2022, was made by Trustee Alan Battiato, seconded by Trustee Brian J. Boone. Motion unanimously passed.

APPROVAL OF MINUTES: Approval of Special Meeting Minutes of June 13, 2022, meeting.

A motion to accept the approval of the special meeting minutes for June 13, 2022, was made by Deputy Mayor, Elizabeth A. Reilly, seconded by Trustee Alan Battiato. Motion unanimously passed.

POLICE REPORT: Chief Timothy McGuire read police report as follows:

1. Personnel:

There were no COVID cases in the department.

2. Citizen Issues:

Radar sign was posted at 21 West Ave after receiving complaints from residents in the area. Out of 38,635 vehicles that were captured by the sign 52 (.134%) traveled at over 20+ mph. 1,669 vehicles (4.31%) traveled at 10+ mph over the speed limit and 19,239 (49.79%) traveled within 5 mph over the speed limit. 17,675 (45.74%) vehicles traveled at or below the speed limit.

3. Public Safety Issues:

- Officers have been out enforcing the NYS Vehicle and traffic laws, 374 tickets were issued for the month. 2,104 tickets have been issued for the year.

4. Facilities:

- No issues to report

5. Equipment:

- No issues to report

6. Vehicles:

- Nothing to report.

7. Department Activity:

| Call Type | JUNE | 2022/Year to date | | |
|-------------------|------|-------------------|--|--|
| Calls for Service | 189 | 996 | | |
| Criminal Cases | 32 | 210 | | |
| Arrests | 21 | 111 | | |
| Traffic Accidents | 9 | 53 | | |

Trustee Brian Boone asked Chief McGuire about the accident that took place on Saturday, 7/9/2022, inquiring as to wellbeing of those involved, Chief McGuire reported motorcycle driver in in the hospital in intensive care with compound fractures after being struck by another vehicle while traveling straight on 17M going through the light at Chester Mall with a green light per witnesses, another car coming in the opposite direction decided to make a left in front of him. Unfortunately, the driver of the motorcycle only had a permit. Driver of the vehicle was issued tickets for failure to yield to right of way. Per Chief McGuire, motorcycle driver should not have been on the road alone without a licensed motorcycle operator riding with him.

Trustee, Brian Boone also inquired about a voucher he reviewed for the purchase of uniform boots for the PD staff as there was a big price difference on boots ordered by one officer vs. another officer. Chief McGuire responded by saying that each officer has a uniform allowance they must adhere by per contract. The officers choose what they want to spend the allowance on and if they exceed annual contract allowance, the officer would be responsible for reimbursement to the Village of Chester.

Deputy Mayor, Elizabeth A. Reilly posed a question to Chief McGuire regarding the incident on Hudson Street, Friday morning, an overdose, any information on that? Chief McGuire stated he just got back from vacation that morning and has not seen reports yet. As soon as he has more information, he will share with members of the board. Deputy Mayor, Elizabeth A. Reilly was curious as to whether the individual was a local or not. People had seen the individual walking from the Village of Florida towards Chester, he was subsequently on residents' lawn on Hudson Street before he ended up in one neighbor's driveway. Chief McGuire stated that from what he has heard, he was not a Village of Chester resident.

A motion to accept the Police report as read by Chief Timothy McGuire was made by Trustee Brian J. Boone, seconded by Trustee Anthony Laspina. Motion unanimously passed.

CLERK/TREASURER'S REPORT: Clerk/Treasurer Angela O'Neill read the Clerk/Treasurer's report as follows:

CASH BALANCES ENDING JUNE 30, 2022:

| <u>FUND/BANK ACCOUNT</u> <u>ENDING BAL</u> | <u>DEPOSITS</u> | <u>(DISBURSEMENTS)</u> | <u>INTEREST</u> |
|---|------------------------|-------------------------------|------------------------|
|---|------------------------|-------------------------------|------------------------|

General Fund

| | | | |
|--|--------------|------------|----------|
| Savings (Sterling National Bank) 2,822,934.52 | -- | -- | 1,058.20 |
| Checking (Orange Bank & Trust) 2,795,216.47 | 3,160,523.56 | 727,516.72 | 9.54 |
| Savings (Orange Bank & Trust) 1,959,574.42 | -- | -- | 375.74 |
| Savings (NY CLASS) 500,781.45 | -- | -- | 330.44 |

Water Fund

| | | | |
|--|-----------|-----------|------|
| Checking (Orange Bank & Trust) 455,747.51 | 35,258.47 | 64,995.24 | 4.05 |
|--|-----------|-----------|------|

Sewer Fund

| | | | |
|--------------------------------|------------|-----------|------|
| Checking (Orange Bank & Trust) | 419,839.30 | 40,735.00 | 2.13 |
| 481,239.40 | | | |

Capital Projects Funds

| | | | |
|------------------------------------|-----------|-----------|------|
| H01: Water (Sterling Natl Bank) | -- | -- | 3.28 |
| 78,630.64 | | | |
| H02: General (Orange Bank & Trust) | -- | 1,171.70 | 4.56 |
| 555,760.07 | | | |
| H03: Sewer (Orange Bank & Trust) | 40,000.00 | 33,529.29 | -- |
| 14,503.15 | | | |

| <u>Cumulative Fiscal Year Interest Earned by Fund 06/1/2022 – 6/30/2022 FYE 5/31/22 as of 6/30/21</u> | | | |
|---|----|----------|-----------|
| General Fund | \$ | 1,773.92 | \$ 510.00 |
| Water Fund | \$ | 4.05 | 14.19 |
| Sewer Fund | \$ | 2.13 | 2.46 |
| Capital Projects | \$ | 7.84 | N/A |

Treasurer's Discussion:

- 1. STATEMENT OF REVENUE & EXPENDITURES:** Attached.
- 2. 2022-2023 VILLAGE PROPERTY TAX:** Village Property Tax Collection is underway.
- 3. 2022-2023 SEWER:** Sewer Bill Collection is underway. Installment #2 is due by 9/30/2022
- 4. SAM Grants: (125K & 200K):** Senator Skoufis has approved change in grant funds intended use once again. NY Senate Finance has also approved the change. All SAM Documents (Budget, Quotes, Agreements) are to be filed with DASNY by end of July 2022.
- 5. CDBG Grant: \$375K** Agreement has been fully executed. Copies of the Village's Audited Financial Statements have been submitted and Project Update has been provided by the Village's Engineers.
- 6. NYSDOT Grant \$165K:** Payment request #4 will be prepared and submitted early August 2022.
- 7. SAM Grant \$100K:** Still awaiting DASNY Agreement and approval of budget submission.

A motion to accept Clerk/Treasurer's report as read by Clerk/Treasurer Angela O'Neill was made by Trustee Brian Boone, seconded by Deputy Mayor Elizabeth A. Reilly. Motion unanimously passed.

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

Steris – Nucifora Blvd.

1– Site work continues.

Noble – 4 Chester Acres Blvd

1- Renovation continues.

Beer World 35 Brookside Ave

1- Almost complete.

92 Main Street

1- Work continues.

25 Oakland Ave.

1- Work almost complete.

6 Main Street

1- No work has started.

12- Meadow Ave

1- Framing underway.

Chester Flagship

1- Work almost complete.

3 Winkler Place

1- Soap store now open.

44- Main Street

1- Work is underway.

78 Brookside Ave

1- Issued permit for commercial renovations for physical therapy.

Deputy Mayor Elizabeth A. Reilly asked John Orr about an email the Village Board had received from a Village resident of Main Street just before John Orr went on vacation. John Orr stated a letter went out the day he left, and it appears the matter has been taken care of. Mayor Christopher Battiatto asked if that was an owner or renter at the property in question. John Orr stated that from he understands, the parents own the property and renting it to their son who is living there with 2 other individuals and all work in the city.

Mayor Christopher Battiatto also asked if Tractor Supply still plans on expanding. John Orr stated that yes, they plan on expanding but he has not seen any plans nor have any contact been made with the Planning Board. John Orr went on to say that the initial intent was to take over half of the space of the bowling alley, but now it seems they may want to take the entire space. Trustee Alan Battiatto stated he spoke to the mall and the plans are to also open a garden center.

Trustee Brian Boone asked if there were any news on the small house by Auto Zone, if there was anything else that was being done there. John Orr stated that he spoke to Sue Bahren and that they had an engineer go through the property who made two major suggestions and provided

some direction on which way to proceed. John Orr also stated that we should be seeing some action at Auto Zone as well.

A motion to accept Village Code Enforcement Officer John Orr's report was made by Trustee, Anthony Laspina, seconded by Trustee Brian Boone. Motion unanimously passed.

STREET REPORT: Village Street Superintendent, Charles Bono read the Street Department report as follows:

We repaired a catch basin by 45 Leone Lane.

We spent some time clearing out trees at the dump and started filling in an area to put our brush that we collect throughout the village. We have been getting fill from Riggs and Distiller who are installing the new gas main on Oakland Ave. and Hambletonian Ave.

We have completed our paving projects for the year. The first street was Leone Lane in the industrial park from the railroad tracks to the intersection of Leone Lane and Elizabeth Drive. The second street was Whispering Hills Dr. from West Ave. to Clubhouse Place. The project was quite large with traffic control being one of the biggest challenges. Charles Bono thanked The Village Police Dept., for traffic control specifically in the Industrial Park. C&S was also very helpful as they opened their back gates to alleviate traffic flow on to Leone Lane. Would also like to thank the Town of Chester for use of their equipment, Village of Florida for assisting in flagging. Joe Grassi from the Water Dept. also helped with flagging. Overall, the project was a success.

Spent some time clearing out trees by the dump to dispose of the brush. In the past brush has been picked up in containers and sent to Material Processors, but Material Processors do not want to provide this service anymore, the reason may be that they contracted with another company. Material Processors were hauling away for \$460/30 yard container. A new vendor wanted to charge \$1,000/container. Street Dept. will create an area where the brush will be dumped and once a large pile is created a grinder will be rented and this will be a lot cheaper. Christopher Battiato asked Charles Bono who will the grinder be rented from. Charles Bono stated there are a couple of vendors. He cannot recall name but when amphitheater work was underway, the vendor they used did a good job.

We repaired a sink hole on Main Street by the firehouse. This was an old piece of drainage pipe that was put in when the sewer main was installed. The steel was completely rotted at the bottom as it is over 40 years old.

We spent some time preparing for the fireworks. (Mowing, picking up garbage and sweeping.)

A motion to accept the Street Department's Report as read by Street Superintendent Charles Bono was made by Trustee Alan Battiato, seconded by Trustee Anthony Laspina. Motion unanimously passed.

WATER REPORT: Water Commissioner, Gary A. Green, Jr read the Water Department report as follows:

- 1) Daily filter plant & well operations
- 2) Twice per week filter cleaning
- 3) Monthly samples were taken to the lab.
- 4) Mark outs for dig safe NY.
- 5) Backflow preventer testing continues.
- 6) Meter replacement continues.
- 7) Weekly mowing of Water facilities.
- 8) We replaced curb box at 29 Hudson Street and 15 Miller.
- 9) We attended a training course for water license credit.
- 10) TAM came in to calibrate the meters at the Filter plant.
- 11) The generator was serviced at the plant.
- 12) A burglar alarm was installed at the shop by Stratagem security company.
- 13) C and J power washing came in and power washed the tank at Nancy Lane.
- 14) I want to thank Jamie Buckawoski of Moodna Basin Joint Commission for coming out twice to jet the inlet pipe to the plant. We removed over 25, 5-gallon buckets of rocks and gravel material.
- 15) The quarterly water accounts were read.
- 16) Walton Lake is 4.5 inches below pin level.

Mayor Christopher Battiato asked if after the televising of the water line, does the pipe have to be lined or replaced. Water Commissioner Gary Green stated that he thinks it is in good enough condition to lined. Gary Green offered to share the video with the Board. Mayor Christopher Battiato asked how far of a section would that have to be lined. Gary Green stated roughly 100-120 ft. total, getting out beyond the road by the fence of the plant where there is a valve. Depth is about 10 feet at that location. Next step is to get pricing on the cost to line the pipe. The jetting and the televising was a great project that really cleaned the line.

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

PARK & RECREATION REPORT:

- a. Senior BBQ & Car Fit Event 7/13/2022 (Educational program that offers older adults the opportunity to check how well their personal vehicles "fit" them).
- b. Casino Trip 8/22/2022 8AM Departure 6PM Return \$5/PP Town of Chester Residents, After 8/2/2022 Open to Out-of-Town Residents if space avail. \$25/PP.

NEW BUSINESS:

VB Project 22-01 Lorgan's Zone Change Discussion :

Mr. Lorgan provided a brief description of his intent and the reasons why he is before the Village Board. Mr. Lorgan stated that the business has changed based on the way they have to buy product. To be competitive, distributors are requesting that larger number of cases be purchased via each order. This has created a storage challenge for his business. He had purchased the Moffat Lane property a couple of years ago with the intent to store product there. Last year Mr. Lorgan spent close to \$20,000 to renovate the basement of the Moffat Lane home for purposes of storage. Mr. Lorgan stated the Moffat Lane Property must be changed from residential zoning to mixed use. A mixed use would not work. Mr. Lorgan stated it must be zoned either mixed use or commercial. Surrounding properties like LP transport and the old Neuhaus building are mixed use and commercially zoned. Mr. Lorgan stated he has spoken to several neighbors on Moffat Lane, and all were supportive and understood Mr. Lorgan's need for zone change.

John Orr provided a brief background of this project before the planning board. Mr. Lorgan has been before the planning board at least 3 times and the planning board considered different approaches. The conclusion was that the best alternative is a zone change due to NYS Liquor Authority rules. If rezoned, the residential would be pre-existing, non-conforming, and the basement would then be able to be used as storage. Site Plan Approval would still be having to be approved and the planning board could potentially add stipulations that only the 1st floor could be used for storage, but the property would still be rezoned if the Board approves the change of use. Based on existing zoning in that area or the Village, there will always be mixed use, commercial, residential. Procedurally, this will be referred to the Planning Board at which point the planning board has 60 days to provide a report to the Village Board. The report is generated based on responses to 5 key questions they must consider per Village Code. After that the Village Board would schedule a public hearing to proceed with re-zoning process. Current Liquor Store Building is one of the only properties in that area that is residential above retail. This was discussed during Comprehensive Plan discussions with the intent to begin using utilizing residential above retail. Mayor asked if there is any benefit to the zoning of one over the other, mixed use or commercial. John Orr stated that the house can stay residential forever, because during the zone change it becomes pre-existing non-conforming. At that point the residential cannot be changed to anything else. Christopher Battiato asked if there is any benefit in keeping both the Liquor Store Property and the Moffat Lane home zoned the same. John Orr stated that it

is pre-existing, non-conforming so any change would always have to be made via site plan approval by the Planning Board. The structure that has residential (liquor store property) cannot be enlarged.

Counsel Robert Zitt stated that the section of the code that covers the 5 questions to be answered by the Planning Board to prepare a report for the Village Board is covered under Section 98-40 subsection B. It is a legislative function, so it is up to the Village Board to decide if they are interested in the change of zoning.

Deputy Mayor Betty Ann Reilly stated that the Village has just gone through adopting the Village's Comprehensive Plan and wants to know if since addressing zoning changes is the next step, should this project be incorporated into the overall zone change needed in that section of the Village. Village attorney, Robert Zitt stated that since the comprehensive plan has been adopted, this zone change would have to be considered alongside the comp. plan. John Orr stated that since the intent of the comp plan is to get some parcels (along Brookside and Kings Hwy.) out of the M Zone to the B Zone, to save some time and legal expenses all those properties can be identified and bundled with the Lorgan Project so all can be rezoned and pass one local law to incorporate all identified parcels at the same time. Deputy Mayor, Elizabeth A. Reilly stated that she is concerned with "spot zoning". John Orr replied that this is matter does not fall in this category as there are many other neighboring properties currently zoned as Mr. Lorgan's desired zoning. John Orr suggested compiling a list of properties for the Board to be presented at the August meeting and then refer to the planning board. From a timing standpoint, this delays Mr. Lorgan again as he stated he presented his request to the Planning Board pre-covid and he would request resolution to this matter before the 2022 holiday rush. The old lumber yard, 3 Brookside Ave. property and Meadow Hill Parcels zoning could be addressed all at once. Next planning board meeting is scheduled for 7/26/2022.

22-26 RESOLUTION AUTHORIZING MAYOR TO EXECUTE LETTER OF AUTHORIZATION

WHEREAS, T-Mobile currently leases a portion of tax parcel Section 104, Block 1, Lot 8 (the "Premises") on Princeton Street in the Village of Chester; and

WHEREAS T-Mobile is pursuing certain upgrades on the Premises and requires a Letter of Authorization from the Village to pursue such upgrades.

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

Section 1. The above "WHEREAS" clauses are incorporated herein as if set forth in full.

Section 2. The Village Board hereby authorizes the Mayor to execute a Letter of Authorization in a final form approved by Village Legal Counsel.

Section 3. The Mayor and any officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions to carry out of the provisions of this Resolution.

Section 4. 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, Alan Battiato, seconded by Trustee, Brian Boone.

| | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|---------------------------------|------------|------------|----------------|---------------|
| Mayor Christopher Battiato | [X] | [] | [] | [] |
| Deputy Mayor Elizabeth A Reilly | [X] | [] | [] | [] |
| Trustee Alan Battiato | [X] | [] | [] | [] |
| Trustee Brian Boone | [X] | [] | [] | [] |
| Trustee Anthony Laspina | [X] | [] | [] | [] |

The Resolution was thereupon duly adopted.

**22-27 RESOLUTION APPROVING SECOND AMENDMENT TO THE LEASE
AGREEMENT BETWEEN VILLAGE OF CHESTER, AS LANDLORD, AND T-
MOBILE NORTHEAST, LLC, AS TENANT**

WHEREAS, the Village, as Landlord, previously leased real property on Princeton Street to Omnipoint Communications, Inc., predecessor to T-Mobile Northeast, LLC (“T-Mobile”), a Delaware Limited Liability Company as Tenant for use as a telecommunications facility; and

WHEREAS, on March 21, 2019, the Village and T-Mobile executed a First Amendment to the Lease Agreement; and

WHEREAS, T-Mobile has requested an amendment to said Lease; and

WHEREAS the proposed Second Amendment to the Lease would allow for the installation and replacement of certain equipment in the Lease area.

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

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

Section 2. The Village Board hereby approves the Second Amendment to the Lease Agreement and authorizes the Mayor to execute such Agreement in a final form approved by Village Legal Counsel.

Section 3. The Mayor and any officer, employee or consultant as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.

Section 4. 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, Brian Boone, seconded by, Trustee, Alan Battiato.

| | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|---------------------------------|------------|------------|----------------|---------------|
| Mayor Christopher Battiato | [X] | [] | [] | [] |
| Deputy Mayor Elizabeth A Reilly | [X] | [] | [] | [] |
| Trustee Alan Battiato | [X] | [] | [] | [] |
| Trustee Brian Boone | [X] | [] | [] | [] |
| Trustee Anthony Laspina | [X] | [] | [] | [] |

The Resolution was thereupon duly adopted.

**22-28 RESOLUTION: REFERRING VB-22-01 LORGAN'S ZONE CHANGE PROJECT
TO THE PLANING BOARD**

Be it resolved that pursuant to Village of Chester Code Section 98.39, that the Lorgan's Petition (VB-22-01) for Parcel 111-7-26 be forwarded to the Planning Board for review and compilation of report to be submitted to the Village Board for review.

Introduced by Trustee, Alan Battiato, seconded by, Trustee, Brian Boone.

The question of the adoption of the foregoing Resolution 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 Christopher Battiato | [X] | [] | [] | [] |
| Deputy Mayor Elizabeth A Reilly | [] | [X] | [] | [] |
| Trustee Alan Battiato | [X] | [] | [] | [] |

Trustee Brian Boone [X] [] [] []

Trustee Anthony Laspina [X] [] [] []

The Resolution was thereupon duly adopted.

CALENDAR:

Summer Concert Series beginning 6/14-8/30/2022

7/16/2022 Chester's Black Dirt Program: Speakers Naomi Hanson, EJ Szulwach & Lucinda Poindexter 10AM-12PM @ Meadow Blues Coffee located @ 8 Greycourt Ave. Chester NY.

A motion to go into executive session at 7:58 PM was made by Deputy Mayor Elizabeth A. Reilly, seconded by Trustee Anthony Laspina. A motion to exit executive session at 8:20PM was introduced by Deputy Mayor Elizabeth A. Reilly and seconded by Trustee Alan Battiato.

Respectfully,


Angela O'Neill
Clerk/Treasurer